

CITY OF KYLE

Notice of Regular City Council Meeting

Kyle City Hall, 100 W. Center Street, Kyle, TX 78640;
Spectrum 10; <https://www.cityofkyle.com/kyletv/kyle-10-live>



SPECIAL NOTE: Pursuant to the March 16, 2020 proclamation issued by Governor Abbott, this meeting will be held in-person and by videoconference in order to advance the public health goal of limiting face-to-face meetings (also called 'social distancing') to slow the spread of COVID-19. Some City Council members will be present in the chamber while others will attend the meeting via videoconferencing. This meeting can be viewed live online at <https://www.cityofkyle.com/kyletv/kyle-10-live> OR Spectrum10.

Notice is hereby given that the governing body of the City of Kyle, Texas will meet at 7:00 PM on February 2, 2021, at Kyle City Hall, 100 W. Center Street, Kyle, TX 78640; Spectrum 10; <https://www.cityofkyle.com/kyletv/kyle-10-live>, for the purpose of discussing the following agenda.

Posted this 28th day of January, 2021, prior to 5:00 p.m.

I. Call Meeting to Order

II. Approval of Minutes

1. City Council Special Meeting Minutes - January 19, 2021. ~ *Jennifer Holm, City Secretary*
2. City Council Meeting Minutes - January 19, 2021. ~ *Jennifer Holm, City Secretary*

III. Citizen Comment Period with City Council

The City Council welcomes comments from Citizens early in the agenda of regular meetings. Those wishing to speak are encouraged to sign in before the meeting begins. Speakers may be provided with an opportunity to speak during this time period on any agenda item or any other matter concerning city business, and they must observe the three-minute time limit.

3. Members of the public that wish to provide citizen comment have the following

options:

1. In-Person at Kyle City Hall
2. Virtual Attendance - Submit the online registration form found at: <https://www.cityofkyle.com/council/citizen-comment-sign>. Registration must be received by 12 p.m. on the day of the meeting.

IV. Appointments

4. Consider nominations and take possible action for reappointment to the Kyle Parks and Recreation Board to fill expired terms. ~ *Mariana Espinoza, Director of Parks & Recreation*
 - Seat 2 - Lana Nicholson

V. Presentation

5. Black History Month Proclamation. ~ *Dex Ellison, Council Member*
6. Dating Violence Awareness and Prevention Month. ~ *Travis Mitchell, Mayor*
7. Presentation and possible direction regarding renaming of W RM 150. ~ *Vanessa Westbrook, Chair of the W RM 150 Naming Committee*
8. Presentation by San Marcos Animal Shelter on the Trap Neuter and Release (TNR) program. ~ *DerryAnn Krupinsky, Assistant Director of Neighborhood Enhancement-WIC, City of San Marcos*
9. CIP/Road Projects and Consent Agenda Presentation. ~ *Travis Mitchell, Mayor*

VI. Consent Agenda

10. (*Second Reading*) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 5.87 acres of land from Agriculture 'AG' to Retail Service District 'RS' for property located at 1400 E. RR 150, in Hays County, Texas. (1400 E. FM 150, LLC - Z-20-0068) ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 6-0 to recommend approval of the request.

City Council voted 7-0 to approve on first reading.

11. Declaring parks maintenance equipment as surplus and directing city staff to identify the equipment to be placed on the surplus property listing and the equipment to be declared without value to be disposed or recycled. ~ *Mariana Espinoza, Director of Parks & Recreation*
12. Consider and approve Assignment and Novation of a contract from EDMONDSON REED & ASSOCIATES, INC., to the City of Kyle for the

104 S. Burleson Street and City Square Park capital improvement projects. ~
Leon Barba, PE, City Engineer

13. Approve a purchase order to FUGRO USA LAND, INC., Austin, Texas, in the amount of \$25,250.00 for providing geotechnical and environmental services for the 104 S. Burleson Street and City Square Park capital improvement projects. ~
Leon Barba, PE, City Engineer
14. Approve and ratify a purchase order to BYRN AND ASSOCIATES SURVEYING, San Marcos, Texas in the amount of \$16,000.00 for providing topographic services for the 104 S. Burleson Street and City Square Park capital improvement projects. ~ *Leon Barba, P.E., City Engineer*
15. Approve an interlocal agreement between Hays County and the City of Kyle authorizing reimbursement in the amount of \$700,000.00 by the City to Hays County for road construction materials required in the reconstruction of Old Post Road (CR 134) from CR 158 to FM 150. ~ *Leon Barba, P.E., City Engineer*

VII. Consider and Possible Action

16. (*Second Reading*) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas for the purpose of rezoning approximately 57-acres of land from Single Family Residential-2 'R-1-2' (42.3-acres) and Retail Service District 'RS' (15-acres) to Planned Unit District 'PUD' (Single Family Attached 'R-1-A', 54-acres) and (Retail Service District 'RS', 3.3-acres) for property located at 1821 W. RR 150, in Hays County, Texas. Kyle Mortgage Investors, LLC (Z-20-0067) ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 4-2 to recommend approval of the request.

City Council voted 7-0 to approve on first reading.

17. (*Second Reading*) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 1.4 acres of land from Agriculture 'AG' to Retail Service District 'RS' for property located at 101 Sunflower Circle, in Hays County, Texas. (Jimmy and Diana Owen - Z-20-0066) ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 6-0 to recommend approval of the request.

City Council voted 6-1 to approve on first reading.

18. [*POSTPONED 1/19/2021*] (*First Reading*) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, to rezone approximately 19.5 acres of land from Retail Service District 'RS' to Multi-Family Residential-3 'R-3-3' for property located at 5492 Kyle Center Drive, in Hays County, Texas. (DDR DB Kyle LP - Z-20-0069) ~ *Howard J. Koontz, Director of Planning and*

Community Development

Planning and Zoning Commission voted 5-1 to deny the request.

- Public Hearing
19. Discussion and Update of activity related to the Texas Downtown Association plan for Kyle. ~ *Michael Tobias and Dex Ellison, Council Members*
 20. *(First Reading)* An Ordinance of the City of Kyle, Texas, Amending the City of Kyle, TX Code of Ordinances Appendix A - Fee Schedule, to Reflect an Increase in Building Inspection Fees to Cover Costs Associated with Third Party Inspections. ~ *James R. Earp, Assistant City Manager*
 21. Consider a Request to Remove the Required Public Utility Easement for the Plum Creek Uptown Central Park (SUB-20-0164). ~ *Howard J. Koontz, Director of Planning and Community Development*
 22. Presentation on a proposed Ordinance of the City of Kyle, Texas Regulating Sex Offender Residency within the City and Establishing Child Safety Zones. ~ *Jeff Barnett, Chief of Police*

VIII. City Manager's Report

23. Update on various capital improvement projects, road projects, building program, and/or general operational activities where no action is required. ~ *J. Scott Sellers, City Manager*
 - Mass Food Distribution events
 - Black History Month programming
 - President's Day holiday
 - COVID Testing and Vaccine information
 - Timeline & key dates for City's Fiscal Year 2021-2022 budget development and adoption

IX. Executive Session

24. Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting. The City Council may convene into Executive Session pursuant to any lawful exception contained in Chapter 551 of the Texas Government Code including any or all of the following topics.
 1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071.
 - Bird Scooters
 - City Lights and Kyle Marketplace Subdivision/Development
 - Chapter 43 Non-Annexation agreement on property located at the intersection of Bunton Lane and Goforth Road
 - Planned Unit Development Zoning
 - Cause Number 19-1492; 1200 S. Old Stagecoach Road, LLC v.

City of Kyle, Texas; pending in the 22nd Judicial District Court of Hays County, Texas

2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
 3. Personnel matters pursuant to Section 551.074.
 4. Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to have locate, stay, or expand in or near the City.
 - o SUFC
 5. Deliberation Regarding Security Devices or Security Audits pursuant to Section 551.089.
 - o Deployment of security devices and critical infrastructure related to billing program
25. Take action on items discussed in Executive Session.

X. Adjourn

At any time during the Regular City Council Meeting, the City Council may adjourn into an Executive Session, as needed, on any item listed on the agenda for which state law authorizes Executive Session to be held

*Per Texas Attorney General Opinion No. JC-0169; Open Meeting & Agenda Requirements, Dated January 24, 2000: The permissible responses to a general member communication at the meeting are limited by 551.042, as follows: "SEC. 551.042. Inquiry Made at Meeting. (a) If, at a meeting of a government body, a member of the public or of the governmental body inquires about a subject for which notice has not been given as required by the subchapter, the notice provisions of this subchapter, do not apply to: (1) a statement of specific factual information given in response to the inquiry; or (2) a recitation of existing policy in response to the inquiry. (b) Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting."



CITY OF KYLE, TEXAS

2021 0119 Minutes

Meeting Date: 2/2/2021
Date time:7:00 PM

Subject/Recommendation: City Council Special Meeting Minutes - January 19, 2021. ~ *Jennifer Holm, City Secretary*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- 2021 0119 DRAFT Special Council Meeting Minutes

SPECIAL CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Special Session on January 19, 2021 and due to COVID-19, some members attended virtually (v) at Spectrum 10; <https://www.cityofkyle.com/kyletv/kyle-10-live> with the following persons present:

Mayor Travis Mitchell
Mayor Pro Tem Rick Koch
Council Member Dex Ellison (v)
Council Member Yvonne Flores-Cale
Council Member Robert Rizo (v)
Council Member Ashlee Bradshaw
Council Member Michael Tobias (v)
Scott Sellers, City Manager
James Earp, Assistant City Manager (v)
Paige Saenz, City Attorney (v)
Jerry Hendrix, Chief of Staff (v)
Samantha Armbruster, Communications Dir.
Sarah Watson, Programs and Events Coordinator (v)
Jennifer Holm, City Secretary
Diana Torres, Economic Dev Director (v)
Perwez Moheet, Finance Director (v)
Matt Dawson, IT Director
Grant Bowling, Video Production Specialist
Howard Koontz, Community Dev Director (v)
Jeff Barnett, Chief of Police (v)

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 5:03 p.m. Mayor Mitchell asked the city secretary to call roll.

Present were: Mayor Mitchell, Mayor Pro Tem Koch, Council Member Flores-Cale, Council Member Rizo, and Council Member Bradshaw. A quorum was present. Council Member Ellison and Council Member Tobias were absent.

Council Member Tobias arrived at approximately 5:13 p.m. during item no. 3 and entered into executive session.

Council Member Ellison arrived at 5:16 p.m. during item no. 3 and entered into executive session.

II. Citizen Comment Period with City Council

1. Members of the public that wish to provide citizen comment have the following options:
 1. In-Person at Kyle City Hall
 2. Virtual Attendance - Submit the online registration form found at: <https://www.cityofkyle.com/council/citizen-comment-sign>. Registration must be received by 12 p.m. on the day of the meeting.

Mayor Mitchell opened citizen comments at 5:03 p.m.

Michael Kloss was called to speak as registered. He spoke about dangers of feral cats. He also spoke about cats not being required to have leashes and collars, and the damage to property that they are responsible for.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 5:09 p.m.

III. Executive Session

2. Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting. The City Council may convene into Executive Session pursuant to any lawful exception contained in Chapter 551 of the Texas Government Code including any or all of the following topics.
 1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071.
 - PGAL Contract
 - Parallel Contract
 - Workforce housing on Philomena
 - Marketplace Development Agreement
 - Sign Regulations
 2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
 3. Personnel matters pursuant to Section 551.074.
 - City Manager Consulting Opportunity
 4. Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to have locate, stay, or expand in or near the City.
 - Project Goldfish
 - Project Carnation Pink

Council Member Bradshaw read into the record, “Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting. The City Council may convene into Executive Session pursuant to any lawful exception contained in Chapter 551 of the Texas Government Code including any or all of the following topics: Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071 - PGAL Contract, Parallel Contract, Workforce housing on Philomena, Marketplace Development Agreement, Sign Regulations; Personnel matters pursuant to Section 551.074 - City Manager Consulting Opportunity; and Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to have locate, stay, or expand in or near the City - Project Goldfish, Project Carnation Pink.”

The City Council convened into executive session at 5:11 p.m. Mayor Mitchell left the dais. Mayor Pro Tem Koch stated that the Council is now in executive session.

3. Take action on items discussed in Executive Session.

Mayor Mitchell moved to reconvene into open session. Council Member Flores-Cale seconded the motion. All votes aye; motion carried 7-0.

The City Council reconvened into open session at 7:06 p.m.

Mayor Mitchell announced that no action took place in Executive Session, but action would be taken now.

Mayor Mitchell moved to authorize the City Manager to engage in a consulting opportunity. Council Member Rizo seconded the motion.

There was discussion on the motion. Mayor Mitchell stated to Mr. Sellers regarding contractual stipulations, to make sure all ethical standards are followed within the contract between the City of Kyle and the City Manager. Mr. Sellers stated this had been done prior and the opportunity had again presented itself. The stipulations are, not to do with business with any entity that is doing business with the City of Kyle, City of Buda, or the City of San Marcos. Additionally, to not use city equipment or time providing that service. Council Member Flores-Cale stated that it is an honor to have a city manager who is being consulted.

All votes aye; motion carried 7-0.

IV. Adjourn

Mayor Mitchell moved to adjourn. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

With no further business to discuss, the City Council adjourned at 7:08 p.m.

Travis Mitchell, Mayor

Attest:

Jennifer Holm, City Secretary



CITY OF KYLE, TEXAS

2021 0119 Minutes

Meeting Date: 2/2/2021

Date time:7:00 PM

Subject/Recommendation: City Council Meeting Minutes - January 19, 2021. ~ *Jennifer Holm, City Secretary*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- 2021 0119 DRAFT Regular Council Meeting Minutes

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on January 19, 2021 and due to COVID-19, some members attended virtually (v) at Spectrum 10; <https://www.cityofkyle.com/kyletv/kyle-10-live> with the following persons present:

Mayor Travis Mitchell	David Glover
Mayor Pro Tem Rick Koch	Glen Coleman
Council Member Dex Ellison (v)	Kate Johnson
Council Member Yvonne Flores-Cale	Garrett Martin
Council Member Robert Rizo	Robert Deegan
Council Member Ashlee Bradshaw	
Council Member Michael Tobias (v)	
Scott Sellers, City Manager	
James Earp, Assistant City Manager (v)	
Paige Saenz, City Attorney (v)	
Jerry Hendrix, Chief of Staff (v)	
Samantha Armbruster, Communications Dir. (v)	
Sarah Watson, Programs & Events Coord. (v)	
Jennifer Holm, City Secretary (v)	
Leon Barba, City Engineer (v)	
Kathy Roecker, SWMP Administrator (v)	
Diana Torres, Economic Dev Director (v)	
Perwez Moheet, Finance Director (v)	
Sandra Duran, HR Director (v)	
Matt Dawson, IT Director	
Grant Bowling, Video Production Specialist	
Paul Phelan, Library Director (v)	
Mariana Espinoza, PARD Director (v)	
Howard Koontz, Community Dev Director (v)	
Jeff Barnett, Chief of Police (v)	
Harper Wilder, Director of Public Works (v)	

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 7:09 p.m. The Pledge of Allegiance was recited. Mayor Mitchell asked the city secretary to call roll.

Present were: Mayor Mitchell, Mayor Pro Tem Koch, Council Member Ellison, Council Member Flores-Cale, Council Member Rizo, Council Member Bradshaw, and Council Member Tobias. A quorum was present.

II. Approval of Minutes

1. City Council Special Meeting Minutes - January 5, 2021. ~ *Jennifer Holm, City Secretary*
2. City Council Meeting Minutes - January 5, 2021. ~ *Jennifer Holm, City Secretary*

Mayor Mitchell brought forward the minutes for discussion.

Council Member Ellison moved to approve the minutes of the January 5, 2021 Special Council Meeting and the minutes of the January 5, 2021 Council Meeting. Council Member Tobias seconded the motion. All votes aye; motion carried 7-0.

III. Citizen Comment Period with City Council

3. Members of the public that wish to provide citizen comment have the following options:
 1. In-Person at Kyle City Hall
 2. Virtual Attendance - Submit the online registration form found at: <https://www.cityofkyle.com/council/citizen-comment-sign>. Registration must be received by 12 p.m. on the day of the meeting.

Mayor Mitchell opened citizen comments at 7:11 p.m. With no one wishing to speak, Mayor Mitchell closed citizen comments at 7:11 p.m.

IV. Appointments

4. Appoint nominee for position on City of Kyle Ethics Commission. ~ *Ashlee Bradshaw, Council Member*
 - Amanda McCullough

Mayor Mitchell brought forward Item No. 4 for discussion and gave the floor to Council Member Bradshaw.

Council Member Bradshaw moved to approve the appointment of Amanda McCullough to the City of Kyle Ethics Commission. Mayor Mitchell seconded the motion.

There was discussion on the motion. Council Member Bradshaw stated that the nominee is the most fair-minded and levelheaded person she has had the pleasure of knowing and will be an asset to the Commission. Council Member Rizo expressed his appreciation for her volunteerism. Council Member Flores-Cale spoke about a conversation she had with the nominee and that Ms. McCullough stated in response that we are all faced with ethical issues every day. She appreciated Ms. McCullough's response.

All votes aye; motion carried 7-0.

V. Presentation

5. Martin Luther King, Jr. Day Council Proclamation. ~ *Dex Ellison, Council Member*

Mayor Mitchell brought forward Item No. 5 for discussion and gave the floor to Council Member Ellison who presented the proclamation. Council Member Tobias spoke about it being a National Day of Service as well, and that he and others provided PPE to people downtown yesterday. Council Member Rizo thanked Council Member Ellison for bringing forward the proclamation and the Stevie Wonder song, which he did not know about previously. He also spoke about service of others and doing a small good deed for someone else. Council Member Bradshaw echoed the comments of the other Councilmembers.

6. CIP/Road Projects and Consent Agenda Presentation. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward Item No. 6 for discussion. Mr. Barba presented the updates. Director of Communications, Samantha Armbruster, provided information about communications regarding City Projects. No action was taken.

VI. Consent Agenda

Mayor Mitchell brought forward the Consent Agenda.

Mayor Mitchell asked if there were any items to be pulled from the Consent Agenda. There were none.

7. Approve a two-year service agreement with GOVERNMENTJOBS.COM, INC., DBA NEOGOV of El Segundo, California, in the amount of \$20,181.00 for online employee onboarding solutions to include EForms for document and workflow management software subscription services. ~ *Sandra Duran, Director of Human Resources*
8. Authorize award and execution of a Purchase Order to T-MOBILE in an amount not to exceed \$38,879.30 for the purchase of 70 mobile phones for the Kyle Police Department. The devices support the joining of T-Mobile's "Heroes Connected" program which provides 10 years of free service for all First Responders. ~ *Jeff Barnett, Chief of Police*
9. Approve a payment in the amount of \$207,543.00 to the Hays County registry of the Court for payment of the Special Commissioner's Award related to acquisition of property from Alexander Family Trust. ~ *J. Scott Sellers, City Manager*
10. Approval of contract in the amount of \$15,850 to PARALLEL, A Brand Agency for PR Services. ~ *Sarah Watson, Events & Programs Coordinator*
11. *(Second Reading)* An Ordinance granting Acadian Ambulance Service of Texas, LLC, D/B/A Acadian Ambulance Service, a franchise to provide non-emergency and rollover emergency ambulance services within the boundaries of the City of Kyle, Texas; providing an agreement prescribing conditions, terms, and regulations governing the operation of the non-emergency ambulance services; providing penalties for noncompliance with franchise. ~ *Jerry Hendrix, Chief of Staff*

City Council voted 7-0 to approve on first reading.

12. Approve Howerton Plum Creek - Site Plan (SD-20-0079) 2.976 acres; 1 commercial lot for property located at 4282 S. FM 1626. ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 6-0 to approve the site plan.

13. Approve Silberberg Phase 2 - Site Plan (SD-20-0086) 2.427 acres; 1 commercial lot for property located at 4210 Benner Road. ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 6-0 to approve the site plan.

14. Plum Creek Phase 1, Section 11G Replat of Lot 1B, Block A (SUB-20-0156) 2.139 acres; 2 commercial lots for property located at 4600 FM 1626. ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 6-0 to approve the Replat.

Council Member Rizo moved to approve Consent Agenda Item Nos. 7, 8, 9, 10, 11, 12, 13, and 14. Council Member Flores-Cale seconded the motion. All votes aye; motion carried 7-0.

VII. Consider and Possible Action

15. Owners Representative Consultant Services Contract Between the City of Kyle and AG|CM, Inc. in the amount of \$32,292.00 monthly for a period of twenty-two months. ~ *J. Scott Sellers, City Manager*

Mayor Mitchell brought forward Item No. 15 for discussion. Mr. Sellers presented the item.

Council Member Rizo moved to approve Owners Representative Consultant Services Contract Between the City of Kyle and AG|CM, Inc. in the amount of \$32,292.00 monthly for a period of twenty-two months. Council Member Bradshaw seconded the motion. All votes aye; motion carried 7-0.

16. Consider and Possible action to amend the Brooks Crossing Development Agreement to accept negotiated language regarding a buffer strip between Brooks Crossing and Plum Creek HOA. ~ *James R. Earp, Assistant City Manager*

Mayor Mitchell brought forward Item No. 16 for discussion. Mr. Earp presented the item. Mayor Pro Tem Koch left the dais at 7:51 p.m.

Mayor Mitchell moved to approve the first amendment to the Brooks Crossing Development Agreement and strike the amendment to section 2.02(13). Council Member Flores-Cale seconded the motion. All votes aye; motion carried 6-0, Mayor Pro Tem Koch was absent for the vote.

17. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 1.4 acres of land from Agriculture 'AG' to Retail Service District 'RS' for property located at 101 Sunflower Circle, in Hays County, Texas. (Jimmy and Diana Owen - Z-20-0066) ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 6-0 to recommend approval of the request.

- Public Hearing

Mayor Mitchell brought forward Item No. 17 for discussion. Mr. Koontz presented the item. Mayor Pro Tem Koch returned at 8:01 p.m.

Mayor Mitchell opened the public hearing at 8:03 p.m.

David Glover stated that he represents the owner of the property and was available for any questions. Mayor Mitchell stated that he would allow questions to Mr. Glover as representing the developer outside of the public hearing.

With no one else wishing to speak, Mayor Mitchell closed the public hearing at 8:03 p.m. The presentation continued. Mr. Glover provided information as requested.

Mayor Mitchell moved to approve an ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 1.4 acres of land from Agriculture 'AG' to Retail Service District 'RS' for property located at 101 Sunflower Circle, in Hays County, Texas. (Jimmy and Diana Owen - Z-20-0066) Council Member Rizo seconded the motion. Motion carried 6-1, with Council Member Flores-Cale dissenting.

18. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 5.87 acres of land from Agriculture 'AG' to Retail Service District 'RS' for property located at 1400 E. RR 150, in Hays County, Texas. (1400 E. FM 150, LLC - Z-20-0068) ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 6-0 to recommend approval of the request.

- Public Hearing

Mayor Mitchell brought forward Item No. 18 for discussion. Mr. Koontz presented the item. Mayor Mitchell opened the public hearing at 8:18 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 8:18 p.m.

Council Member Ellison moved to approve an ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 5.87 acres of land from Agriculture 'AG' to Retail Service District 'RS' for property located at 1400 E. RR 150, in Hays County, Texas. (1400 E. FM 150, LLC - Z-20-0068) Council Member Tobias seconded the motion.

There was discussion on the motion. Council Member Flores-Cale asked whether there will be a second reading. Mayor Mitchell stated if Council wants, then yes. Flores-Cale stated she would like more information. Council Member Rizo asked Mr. Koontz what the proposal was and if it was zoned as R1, or R3. Mr. Koontz asked for clarification from Council Member Rizo. Mr. Koontz stated it was Commercial Zoning. Mr. Rizo apologized stating he didn't see that. Council Member Flores-Cale questioned if there were currently homes on the lot. Glen Coleman spoke on behalf of the applicant about the single home on the lot. He stated he is unsure whether it is occupied, but believes it is and is unsure about the developer's plans for that structure. Mr. Koontz stated and that after the rezoning, the occupancy of the house would be allowed to continue, but

that the use of the property as a home would be non-conforming, therefore they would not be allowed to expand the current home or add to the property other residential buildings.

All votes aye; motion carried 7-0.

19. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, to rezone approximately 19.5 acres of land from Retail Service District 'RS' to Multi-Family Residential-3 'R-3-3' for property located at 5492 Kyle Center Drive, in Hays County, Texas. (DDR DB Kyle LP - Z-20-0069) ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 5-1 to deny the request.

- Public Hearing

Mayor Mitchell brought forward Item No. 19 for discussion. He stated that he proposes Council postpone the item after opening the public hearing and stated that he will leave the public hearing open so that people may speak when the item returns.

Mayor Mitchell opened the public hearing at 8:23p.m. With no one wishing to speak, Mayor Mitchell left the public hearing open.

Mayor Mitchell moved to postpone Item No. 19 until the next regularly scheduled Council meeting. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

20. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas for the purpose of rezoning approximately 57-acres of land from Single Family Residential-2 'R-1-2' (42.3-acres) and Retail Service District 'RS' (15-acres) to Planned Unit District 'PUD' (Single Family Attached 'R-1-A', 54-acres) and (Retail Service District 'RS', 3.3-acres) for property located at 1821 W. RR 150, in Hays County, Texas. Kyle Mortgage Investors, LLC (Z-20-0067) ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 4-2 to recommend approval of the request.

- Public Hearing

Mayor Mitchell brought forward Item No. 20 for discussion. Mr. Koontz presented the item.

Mayor Mitchell opened the public hearing at 8:28 p.m.

Kate Johnson spoke on behalf of the Hays County Historical Commission. She spoke in opposition to the proposed PUD rezoning from R-1-2 to R-1-A. She said it was designed to encourage imagination and innovated design and asked if rules of PUD were being adhered to concerning scenic culture and historical significance. Ms. Johnson voiced her concern of the possibility of flooding and mentioned the grating of the land at Yarrington and I-35. Ms. Johnson spoke about protecting historical oak trees surrounding property and about a well on the property and asked the developer to address what is planned for the well and protection of historical trees. Ms. Johnson stated that she believes government has a responsibility to address these concerns of its citizens.

With no one else wishing to speak, Mayor Mitchell closed the public hearing at 8:31 p.m. The presentation continued. Garrett Martin, representing the applicant, provided information about the project. Robert Deegan provided a presentation.

Mayor Mitchell recapped all the conditions that the developer is amenable to: 1400 square foot minimum floor plan, single story behind Mr. Franke's house and preservation of his oak trees (stating that he is unsure whether PUD zoning is where that agreement will go), a setback agreement with Mr. Franke, sidewalk discussion (which he stated is not under the purview of the PUD zoning), and 4.7 maximum buildable lots per acre, agreeing to the concept plan that has been laid out.

Mayor Mitchell moved to approve an ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas for the purpose of rezoning approximately 57-acres of land from Single Family Residential-2 'R-1-2' (42.3-acres) and Retail Service District 'RS' (15-acres) to Planned Unit District 'PUD' (Single Family Attached 'R-1-A', 54-acres) and (Retail Service District 'RS', 3.3-acres) for property located at 1821 W. RR 150, in Hays County, Texas with the following conditions: that the zoning would include a 1400 square foot minimum floor plan, a 4.7 maximum buildable lots per acre, and the deal points referenced in the letter that was submitted to Council by Mr. Green related to fencing.

Before a second was made, Mr. Koontz stated that the density should be capped at dwellings per acre rather than lots per acre due to some non-residential lots planned. Mayor Mitchell amended his motion according to Mr. Koontz's suggestion. Council Member Bradshaw seconded the motion.

There was discussion on the motion. Mayor Mitchell asked if all these conditions are amenable to the applicant. Mr. Martin replied affirmatively. Council Member Rizo thanked the developer for getting back to all the residents and working with them. He stated that he is in support of this project, but would like this to come back for second reading to allow residents to speak on it. Mayor Mitchell echoed Council Member Rizo and stated that he is proud to have a community partner like Milestone coming into the City of Kyle. He spoke about the Residential Style Guide, stating that this project depicts what the Residential Style Guide is all about, and mentioned curbed linear streets, good product mixture, a lot of green space, parks, quality of life components. He thanked the developer for the work they have put in.

All votes aye; motion carried 7-0. Mayor Mitchell mentioned that there is Council desire to have this back for a second reading.

21. *(Second Reading)* An Ordinance of the City of Kyle, Texas annexing 29.792 acres of land, more or less, located in Hays County, including the abutting streets, roadways, and rights-of-way into the corporate limits of the City, at the request of the property owner; approving a service plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters. ~ *Howard J. Koontz, Director of Planning and Community Development*

City Council voted 6-1 to approve on first reading.

Mayor Mitchell brought forward Item No.21 for discussion. Mr. Koontz presented the item.

Mayor Mitchell moved to approve an Ordinance of the City of Kyle, Texas annexing 29.792 acres of land, more or less, located in Hays County, including the abutting streets, roadways, and rights-of-way into the corporate limits of the City, at the request of the property owner; approving a service plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters. Council Member Flores-Cale seconded the motion.

There was discussion on the motion. Council Member Ellison asked about the nay vote from last reading. Council Member Flores-Cale spoke about the space between the houses. She spoke about another situation with a resident who cannot put his shed anywhere except the middle of his yard and he also would like to put a hot tub. She stated that she doesn't want to have to tell this resident that he will have to choose between a hot tub and a shed. She stated that she also had a concern for traffic.

Motion carried 6-1, with Council Member Flores-Cale dissenting.

22. Direct staff and possibly a task force to restart the Comprehensive Plan revision process and hiring a firm to assist. ~ *Dex Ellison, Council Member*

Mayor Pro Tem Koch brought forward Item No. 22 for discussion and gave the floor to Council Member Ellison. Much discussion took place. Council decided to move forward with budget discussions first. No action was taken.

VIII. City Manager's Report

23. Update on various capital improvement projects, road projects, building program, and/or general operational activities where no action is required. ~ *J. Scott Sellers, City Manager*
 - Black History Month Programming
 - National Pie Day
 - COVID Vaccine and Testing Information

Mr. Sellers spoke about COVID Vaccine and Testing Information, National Pie Day, and Black History Month Programming.

IX. Executive Session

24. Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting. The City Council may convene into Executive Session pursuant to any lawful exception contained in Chapter 551 of the Texas Government Code including any or all of the following topics.
 1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071.
 - PGAL Contract
 - Parallel Contract
 - Workforce housing on Philomena
 - Marketplace Development Agreement

- Sign Regulations
- 2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
- 3. Personnel matters pursuant to Section 551.074.
 - City Manager Consulting Opportunity
- 4. Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to have locate, stay, or expand in or near the City.
 - Project Goldfish
 - Project Carnation Pink

Council Member Bradshaw read into the record, “Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting. The City Council may convene into Executive Session pursuant to any lawful exception contained in Chapter 551 of the Texas Government Code including any or all of the following topics: Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071 – Workforce housing on Philomena.”

The City Council convened into executive session at 9:47 p.m.

25. Take action on items discussed in Executive Session.

Mayor Pro Tem Koch moved to reconvene into open session. Council Member Rizo seconded the motion. All votes aye; motion carried 6-0. Mayor Mitchell was absent for the vote.

The City Council reconvened into open session at 10:17 p.m.

Mayor Pro Tem Koch announced that no action took place in Executive Session and no action would be taken now.

X. Adjourn

Council Member Rizo moved to adjourn. Council Member Tobias seconded the motion. All votes aye; motion carried 6-0. Mayor Mitchell was absent for the vote.

With no further business to discuss, the City Council adjourned at 10:17 p.m.

Travis Mitchell, Mayor

Attest:

Jennifer Holm, City Secretary



CITY OF KYLE, TEXAS

Park Board Appointment

Meeting Date: 2/2/2021

Date time: 7:00 PM

Subject/Recommendation: Consider nominations and take possible action for reappointment to the Kyle Parks and Recreation Board to fill expired terms. ~ *Mariana Espinoza, Director of Parks & Recreation*

- Seat 2 - Lana Nicholson

Other Information: Parks Board member, Lana Nicholson, is eligible to serve another 2-year term, has stated that she would like to serve another 2 years and has been recommended by the Chairman of the Parks Board to serve another 2 years. Her current term has expired, and she would like to serve her community another 2 years.

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- Recommendation from Chairman

Re: Reappointment of Parks Board Members

Scott Stoker <stokerknows@gmail.com>

Mon 10/1/2018 10:39 AM

To: Kerry Urbanowicz <kerryu@cityofkyle.com>;

Hey Kerry,

I have been very happy with the passion and make up of the current board with these three members included. I'd recommend to reappoint all three for another term on the Parks board. Feel free to call me if you have any questions.

Sincerely

On Mon, Oct 1, 2018, 8:06 AM Kerry Urbanowicz <kerryu@cityofkyle.com> wrote:

Scott,

As per code, we need your recommendation to reappoint the following current Parks Board members to another 2-year term. If you do not wish to have any one of them reappointed, now is also the time to let me know so I can post for replacement(s).

Please send me an email with your recommendation to either reappoint or replace the following members:

Seat 2 - Lana Nicholson

Seat 4 - Allen Deaver

Seat 6 - Laura Cooke

Thank you,
Kerry

Kerry B Urbanowicz, C.P.S.M.
Director of Parks, Recreation, Facilities & Maintenance
700 Lehman Rd
Kyle Texas 78640
(512) 262-3939 Office, Voice & Text

Improving Your Quality of Life

Please consider the environment before printing this e-mail

CONFIDENTIALITY NOTICE: This email and attached documents may contain confidential information. All information is intended only for the use of the named recipient. If you are not the named recipient, you are not authorized to read, disclose, copy, distribute or take any action in reliance on the information and any action other than immediate delivery to the named recipient is strictly prohibited. If you have received this email in error do not read the information and please immediately notify sender by telephone to arrange for a return of the original documents. If you are the named recipient you are not authorized to reveal any of this information to any other unauthorized person. If you did not receive all pages listed or if pages are not legible, please immediately notify sender by phone.

Item # 4



CITY OF KYLE, TEXAS

Black History Month Proclamation

Meeting Date: 2/2/2021

Date time: 7:00 PM

Subject/Recommendation: Black History Month Proclamation. ~ *Dex Ellison, Council Member*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

Dating Violence Awareness and Prevention Month

Meeting Date: 2/2/2021
Date time: 7:00 PM

Subject/Recommendation: Dating Violence Awareness and Prevention Month. ~ *Travis Mitchell, Mayor*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

W RM 150 Naming Committee Recommendation

Meeting Date: 2/2/2021
Date time: 7:00 PM

Subject/Recommendation: Presentation and possible direction regarding renaming of W RM 150. ~ *Vanessa Westbrook, Chair of the W RM 150 Naming Committee*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

TNR program

Meeting Date: 2/2/2021

Date time: 7:00 PM

Subject/Recommendation: Presentation by San Marcos Animal Shelter on the Trap Neuter and Release (TNR) program. ~ *DerryAnn Krupinsky, Assistant Director of Neighborhood Enhancement-WIC, City of San Marcos*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

CIP/Road Projects Update

Meeting Date: 2/2/2021

Date time: 7:00 PM

Subject/Recommendation: CIP/Road Projects and Consent Agenda Presentation. ~ *Travis Mitchell, Mayor*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

1400 E. FM 150, LLC - Zoning (Z-20-0068)

Meeting Date: 2/2/2021

Date time: 7:00 PM

Subject/Recommendation: *(Second Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 5.87 acres of land from Agriculture 'AG' to Retail Service District 'RS' for property located at 1400 E. RR 150, in Hays County, Texas. (1400 E. FM 150, LLC - Z-20-0068) ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 6-0 to recommend approval of the request.

City Council voted 7-0 to approve on first reading.

Other Information: See attachments.

Legal Notes: N/A

Budget Information: N/A

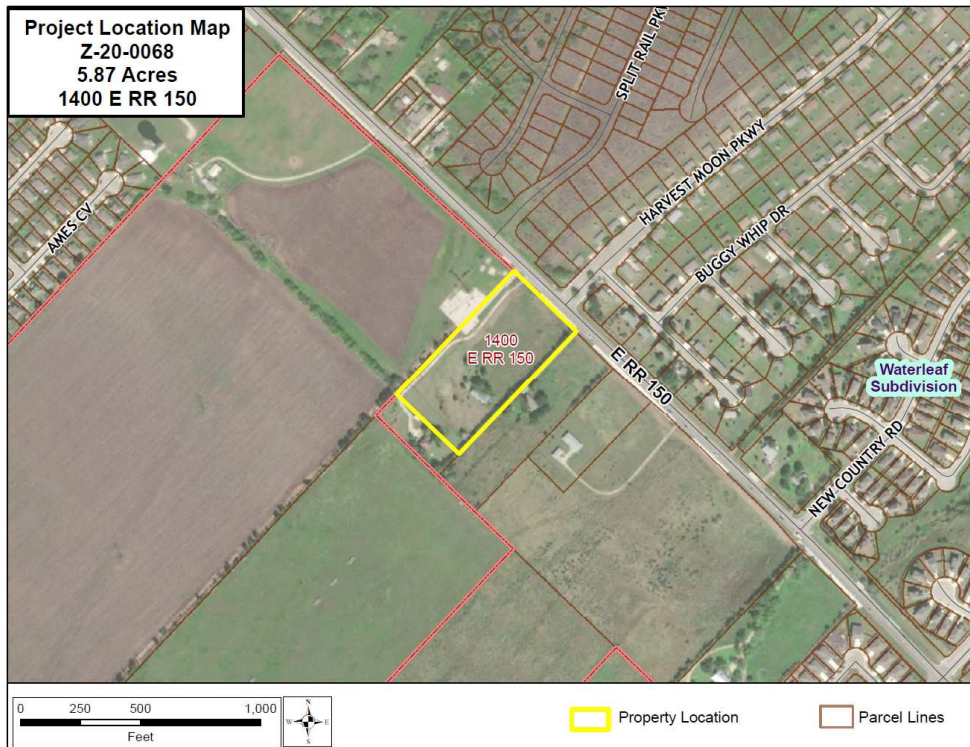
ATTACHMENTS:

Description

- Staff Memo
- Ordinance with Exhibit's A & B
- Application
- Location Map
- Current Zoning Map
- Land Use Districts Map

Property Location	1400 E. FM 150, Kyle, Texas 78640
Owner	Najib Wehbe
Agent	Glen Coleman P.O. Box 25 Junction, TX 78649
Request	Rezone 5.87 Acres "A" (Agriculture) to "RS" (Retail Services)

Vicinity Map

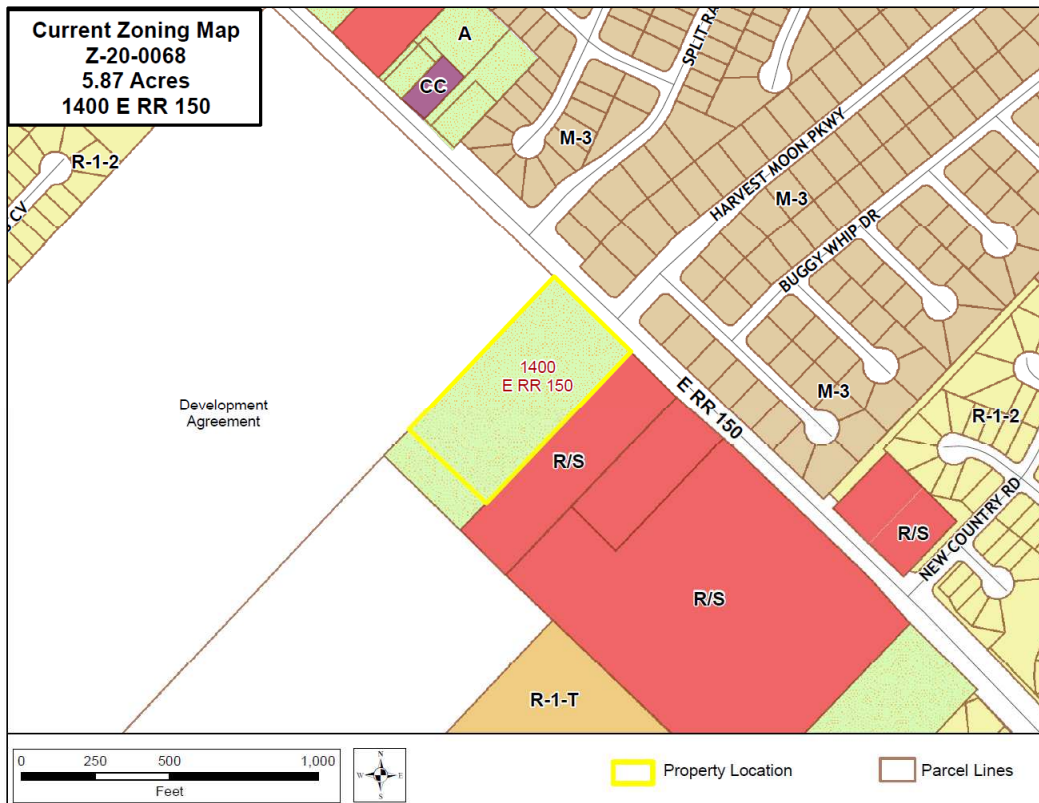


Site Description

The site is located on one parcel, currently zoned “A” (Agriculture). The site has one single-family residence located on it. Across E FM 150 and to the north/northeast lies the Sunset Ridge Manufacture Home subdivision. To the east/southeast lies parcels zoned “RS” (Retail Services) and typically have only one single-family residence per property. To the south is a parcel zoned “A” with one single-family residence. To the west and northwest lies property in the City of Kyle’s ETJ and utilized for agriculture.

The applicant seeks to rezone the property from “A” (Agriculture) to “RS” (Retail Services).

Current Zoning



Sec. 53-36. - Agricultural district A.

The permitted uses in the agricultural district A allow farming, ranching, pasturage, detached single-family residences and related accessory structures, on a minimum one acre tract. Parks, playgrounds, greenbelts and other public recreational facilities, owned and/or operated by the municipality or other public agency are permitted.

(Ord. No. 438, § 23, 11-24-2003)

Requested Zoning

RS (Retail Services District)

Sec. 53-480. - Purpose and permitted uses.

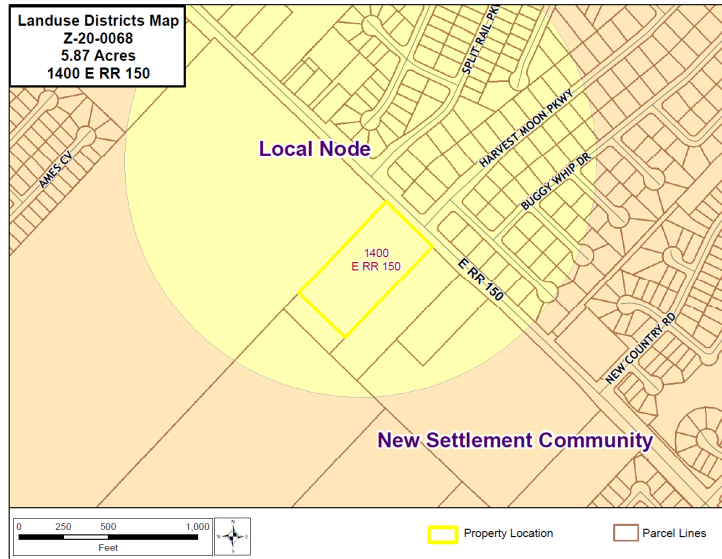
This district allows general retail sales of consumable products and goods within buildings of products that are generally not hazardous and that are commonly purchased and used by consumers in their homes, including most in-store retail sales of goods and products that do not pose a fire or health hazard to neighboring areas, e.g., clothing, prescription drugs, furniture, toys, hardware, electronics, pet supply, variety, department, video rental and antique stores, art studio or gallery, hobby shops and florist shops., and the retail sale of goods and products (in the following listed use areas) to which value has been added on site, including sales of goods and services outside of the primary structure as customary with the uses specifically listed, and the following: Any use permitted in CBD-1 or CBD-2 and RS districts as provided in [section 53-1230](#).

(Ord. No. 438, § 42(a), 11-24-2003)

Conditions of the Zoning Ordinance

Sec. 53-1205 Amendments

- (d) *Referral of amendment to planning and zoning commission.* Upon its own motion, a request by the planning and zoning commission, or the receipt of an administratively complete petition and application to zone or rezone a lot, tract or parcel of land, which petition and application has been examined and approved as to form by the city manager, shall be referred to the planning and zoning commission for consideration, public hearing, and recommendation to the city council. The council may not enact a rezoning amendment until the planning and zoning commission has held a public hearing and made its recommendation to the city council, or has made a final vote on the matter without obtaining a majority, on the zoning or rezoning of the property.
- (e) *Action by the planning and zoning commission.* The planning and zoning commission shall cause such study and review to be made as advisable and required, shall give public notice and hold a public hearing as provided by state law, and shall recommend to the council such action as the planning and zoning commission deems proper...



Comprehensive Plan Text

The subject site is located in the “Local Node” District. The RS zoning district is recommended conditionally in the “Local Node” District

Current Land Use Chart

Local Node

Recommended Zoning Categories: R-1-C, R-3-2, R-3-3, CC, NC, MXD

Conditional Zoning Categories: R-1-T, R-3-1, **R/S**

Local Node

‘Character’:

Some Local Nodes occur at existing intersections, where a greater intensity of use should be fostered to take advantage of the benefits conferred by that intersection. Other Local Nodes are located at points where new corridors will create significant local intersections in the future. Local Nodes should be comprised of neighborhood-scale retail uses, small public gathering spaces, such as plazas, playgrounds, and trails, and some higher intensity residential opportunities where appropriate. Local Nodes should be designed to serve the local population living within or adjacent to the individual Node. For this reason, Local

Nodes should provide goods and services that enhance convenience and, therefore, quality of life for local residents. A central gathering location should be created within each Local Node to foster a sense of community for the surrounding residents.

Intent':

The anchor of each Local Node should be service retail, and, of all the Nodes, the Local Nodes should have the lowest level of non-residential development intensity. General goods and services required on a daily basis by residents should be located in Local Nodes, including small food markets, restaurants, banks, and small shops. These Nodes should be connected to the surrounding communities with sidewalks and trails to encourage walking, minimize traffic congestion, and increase safety.

Analysis

The property requesting to be rezoned is sited in an area that is likely to develop from low intensity residential (Agriculture zoning) into a higher intensity area of commercial and residential activity, mostly centered on E FM 150 and Creekside Trail. The project associated with the requested zoning is across E FM 150 from Harvest Moon Parkway (main entrance into the Sunset Ridge community).

This site is immediately northwest and adjacent to several tracts zoned "RS". The Retail Services zoning district allows for a large number of uses relating to "point of sale" service. This include, but are not limited to retail uses, restaurants, offices, convenience store/fuel stations. This site is currently close to the "edge" of the Local Node and is likely to be dependent on vehicular traffic. This is due to E FM 150 being an arterial highway with little to no pedestrian access to it. Commercial uses closer to the center of nodal areas, would be expected to have a greater emphasis on pedestrian or cyclist modes of transportation, as they should be within walking distance of higher density residential uses. Per city code, this site will be code compliant when a site plan is submitted for review. This will include sidewalks, parking, building location, landscaping, detention, etc.

Recommendation

In conclusion, staff supports the rezoning from "A" (Agriculture) to RS (Retail Services) for the property located at 1400 E FM 150, as requested. At the January 12, 2021 Planning & Zoning Commission meeting, the Commission voted 6-0 to recommend approval of the request. Staff asks the Mayor & Council to vote to recommend approval of the request.

Attachments

- Application
- Location Map
- Existing Zoning Map
- Land Use Districts Map

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF ASSIGNING ORIGINAL ZONING TO APPROXIMATELY 5.87 ACRES OF LAND FROM AGRICULTURE 'AG' TO RETAIL SERVICE DISTRICT 'RS' FOR PROPERTY LOCATED AT 1400 E. RR 150, IN HAYS COUNTY, TEXAS. (1400 E. FM 150, LLC – Z-20-0068); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, THAT:

SECTION 1. That the zoning district map of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended to assign original zoning to approximately 5.87 acres of land from Agriculture 'AG' to Retail Service District 'RS', as shown on the property location map labeled Exhibit B.

SECTION 2. That the City Secretary is hereby authorized and directed to designate the tract of land zoned herein as such on the zoning district map of the City of Kyle and by proper endorsement indicate the authority for said notation.

SECTION 3. If any provision, section, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this Ordinance or the application to such other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of Kyle in adopting this Ordinance, that no portion hereof or provision contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion or provision.

SECTION 4. This Ordinance shall be published according to law and shall be and remain in full force and effect from and after the date of publication.

SECTION 5. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Kyle at a regular meeting on the _____ day of _____, 2021, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Kyle at a regular meeting on the _____ day of _____, 2021, at which a quorum

was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

APPROVED this _____ day of _____, 2021.

Travis Mitchell, Mayor

ATTEST:

Jennifer Holm, City Secretary

EXHIBIT "A"

HOLT CARSON, INC.
PROFESSIONAL LAND SURVEYORS

1904 FORTVIEW ROAD
 AUSTIN, TEXAS 78704
 TELEPHONE: (512) 442-0990
 www.hciaustin.com

FIELD NOTE DESCRIPTION OF 5.87 ACRES OF LAND OUT OF THE MILTON B. ATKINSON SURVEY ABSTRACT No. 21 IN HAYS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN (6.87 ACRE) TRACT OF LAND AS CONVEYED TO SARA LOUISE FRANK BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 480 PAGE 663 OF THE REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS, AND AS FURTHER DESCRIBED IN DEED TO CECIL MANUEL AND SARA MANUEL AS RECORDED IN VOLUME 275 PAGE 505 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod set with a plastic cap imprinted with "Holt Carson, Inc." in the Southwest right-of-way line of F.M. Highway 150 for the North corner of that certain (37.99 acre) tract of land as conveyed to Henry Crews Armbruster and William M. Johnson by deed recorded in Volume 230 Page 402 of the Deed Records of Hays County, Texas, and for the North corner of that certain (6.87 acre) tract of land as conveyed to Sara Louise Frank by Special Warranty Deed recorded in Volume 480 Page 663 of the Real Property Records of Hays County, Texas, and as further described in deed to Cecil Manuel and Sara Manuel as recorded in Volume 275 Page 505 of the Deed Records of Hays County, Texas, and being the North corner and **PLACE OF BEGINNING** of the herein described tract of land, and from which a broken concrete monument found (at centerline HWY Station 78+92.7) bears N 46 deg. 27' 00" W 712.96 ft.;

THENCE with the Southwest right-of-way line of F.M. Highway 150 and with the Northeast line of said Armbruster and Johnson (37.99 acre) tract and with the Northeast line of said Frank (6.87 acre) tract, S 46 deg. 27' 00" E 359.00 ft. to a ½" iron rod set with a plastic cap imprinted with "Holt Carson, Inc." for the East corner of said Frank (6.87 acre) tract and being the East corner of this tract of land, and from which a ½" iron rod found for the monumented East corner of that certain (4.207 acre) tract of land as conveyed to Sheerghar Investments, Inc. by Special Warranty Deed recorded in Instrument No. 19028436 of the Official Public Records of Hays County, Texas, bears S 46 deg. 16' 20" E 218.11 ft., and also from which a broken concrete monument found (at centerline HWY Station 100+75.4) bears S 46 deg. 27' 00" E 503.91 ft., and S 46 deg. 14' 00" E 606.53 ft.;

end of Page 1

Page 2 of 2
5.87 ACRES

THENCE leaving the Southwest right-of-way line of F.M. Highway 150 and entering the interior of said Armbruster and Johnson (37.99 acre) tract with the Southeast line of said Frank (6.87 acre) tract, S 43 deg. 31' 00" W 712.03 ft. to a 1/2" iron rod set with a plastic cap imprinted with "Holt Carson, Inc." for the East corner of that certain (one acre) tract of land as conveyed to Rick J. Castille and Terrie L. Castille by Warranty Deed recorded in Volume 769 Page 149 of the Real Property Records of Hays County, Texas, and being the South corner of this tract of land, and from which a capped iron rod found (marked "Hinkle") in the Southwest line of said Armbruster and Johnson (37.99 acre) tract for the South corner of said Frank (6.87 acre) tract and for the South corner of said Castille (one acre) tract bears S 43 deg. 31' 00" W 121.34 ft., and also from which a 1/2" iron rod found bears N 43 deg. 31' E 0.96 ft.;

THENCE continuing through the interior of said Armbruster and Johnson (37.99 acre) tract and crossing through the interior of said Frank (6.87 acre) tract with the Northeast line of said Castille (one acre) tract, N 46 deg. 29' 00" W 359.00 ft. to a 1/2" iron rod set with a plastic cap imprinted with "Holt Carson, Inc." in the Northwest line of said Armbruster and Johnson (37.99 acre) tract and in the Northwest line of said Frank (6.87 acre) tract for the North corner of said Castille (one acre) tract, and being the West corner of this tract of land, and from which a capped iron rod found (marked "Hinkle") bears N 81 deg. E 1.29 ft., and from which a calculated point for the East corner of said Armbruster and Johnson (37.99 acre) tract and for the West corner of said Frank (6.87 acre) tract bears S 43 deg. 31' 00" W 121.34 ft.;

THENCE with the Northwest line of said Armbruster and Johnson (37.99 acre) tract and with the Northwest line of said Frank (6.87 acre) tract, N 43 deg. 31' 00" E 712.24 ft. to the PLACE OF BEGINNING, containing 5.87 acres of land.

SURVEYED: May 13, 2020

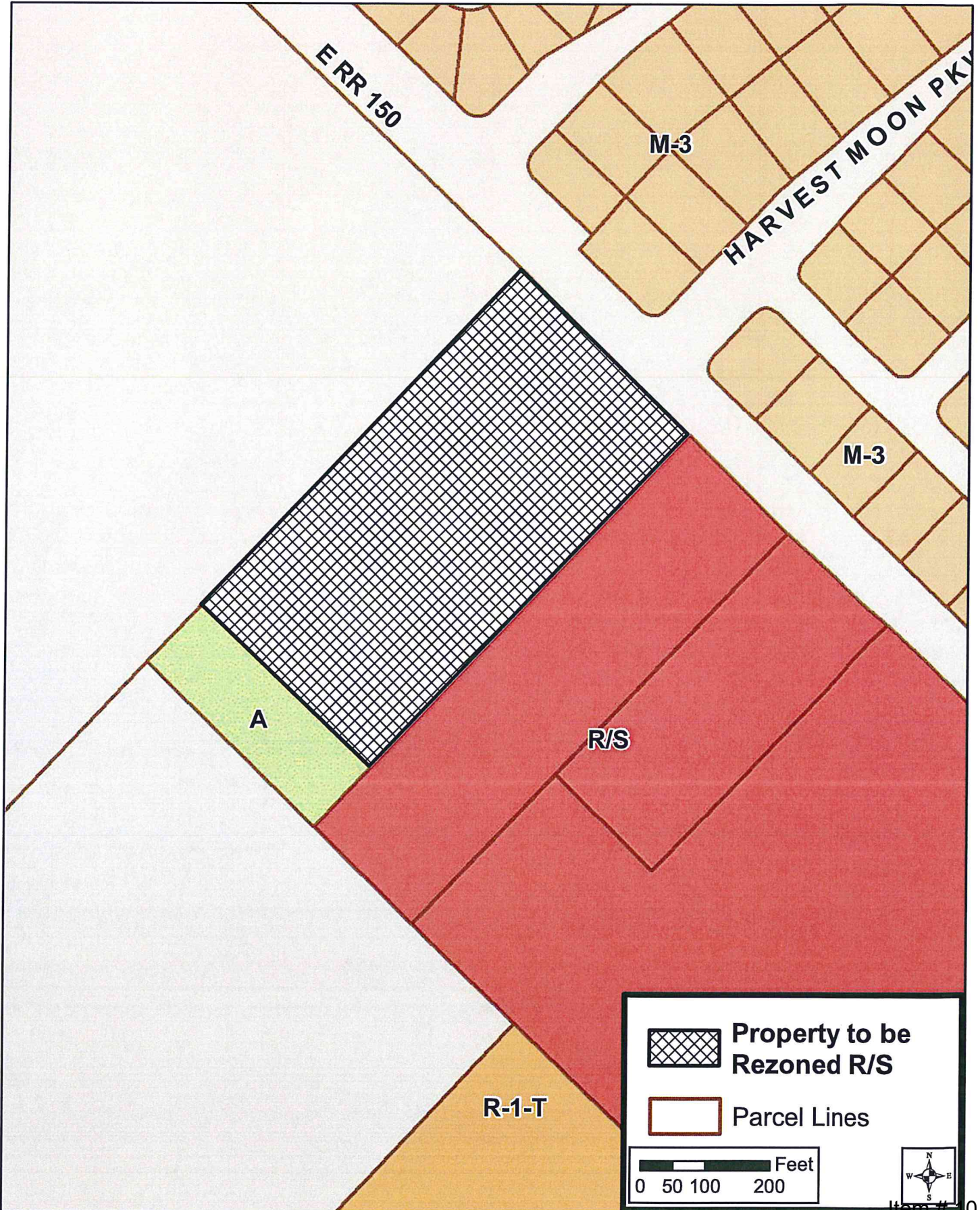

Holt Carson
Registered Professional Land Surveyor No. 5166

see accompanying map: A 1065046



Exhibit B

Z-20-0068 1400 E RR 150 5.87 Acres



APPLICATION & CHECKLIST – ZONING CHANGE

Zoning: _____ (Name of Owner) _____ (Submittal Date)

INSTRUCTIONS:

- Fill out the following application and checklist completely prior to submission.
- Place a check mark on each line when you have complied with that item.
- Use the most current application from the City’s website at www.cityofkyle.com or at City Hall. City ordinances can be obtained from the City of Kyle.

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

The following items are required to be submitted to the Planning Department in order for the Zoning Application to be accepted.

- ___ 1. Completed application form with owner’s original signature.
- ___ 2. Letter explaining the reason for the request.
- ___ 3. **Application Fee:** \$428.06, plus \$3.62 per acre or portion thereof.

Newspaper Publication Fee: \$190.21 **Sign Notice Fee:** \$127.00

Total Fee: \$766.99

- ___ 4. A map or plat showing the area being proposed for rezoning.
- ___ 5. A clear and legible copy of field notes (metes and bounds) describing the tract (when not a subdivided lot).
- ___ 6. Certified Tax certificates: County ___ School ___ City ___
- ___ 7. Copy of Deed showing current ownership.

***** A submittal meeting is required. Please contact Debbie Guerra at (512) 262-3959 to schedule an appointment.**

1. Zoning Request:

Current Zoning Classification: Agriculture
Proposed Zoning Classification: Retail Services
Proposed Use of the Property: Service Station and Retail
Acreage/Sq. Ft. of Zoning Change: 5.87 ac

Provide certified field notes describing the property being proposed for rezoning.
Provide complete information on the location of the property being proposed for rezoning.

Street Address: 1400 E FM 150, Kyle, Texas 78640

Subdivision Name/Lot & Block Nos. 5.87 acres of land out of the Milton B. Atkinson Survey

Property Recording Information: Hays County
Document No. 20023141

3. Ownership Information:

Name of Property Owner(s): _____

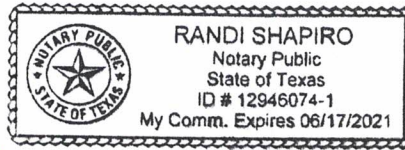
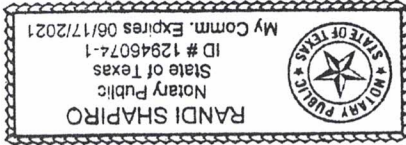
Certified Public Notary:

This document was acknowledged before me on the 14th day of September, 2020 by

Hajib Wehbe (Owner(s)).
Randi Shapiro

Notary Public State of Texas

(Seal)



(If property ownership is in the name of a partnership, corporation, joint venture, trust or other entity, please list the official name of the entity and the name of the managing partner.)

Address of Owner: _____

Phone Number: _____

Fax Number: _____

Email Number: _____

I hereby request that my property, as described above, be considered for rezoning:

Signed: [Signature]

Date: _____

4. Agent Information:

If an agent is representing the owner of the property, please complete the following information:

Agent's Name: Glen Coleman

Agent's Address: PO Box 25
Junction, Texas 76849

Agent's Phone Number: 512-407-9357

Agent's Fax Number: _____

Agent's Mobile Number: _____

Agent's Email Number: glen.colemantx@gmail.com

I hereby authorize the person named above to act as my agent in processing this application before the Planning and Zoning Commission and City Council of the City of Kyle:

Owner's Signature:  _____

Date: _____

*Do Not Write Below This Line
Staff Will Complete*

Tax Certificates: County School City

Certified List of Property Owners Within 200'

All Fees Paid: Filing/Application Mail Out Costs

Attached Map of Subject Property

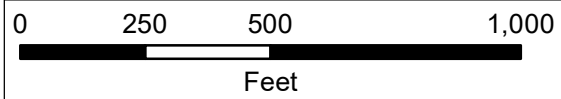
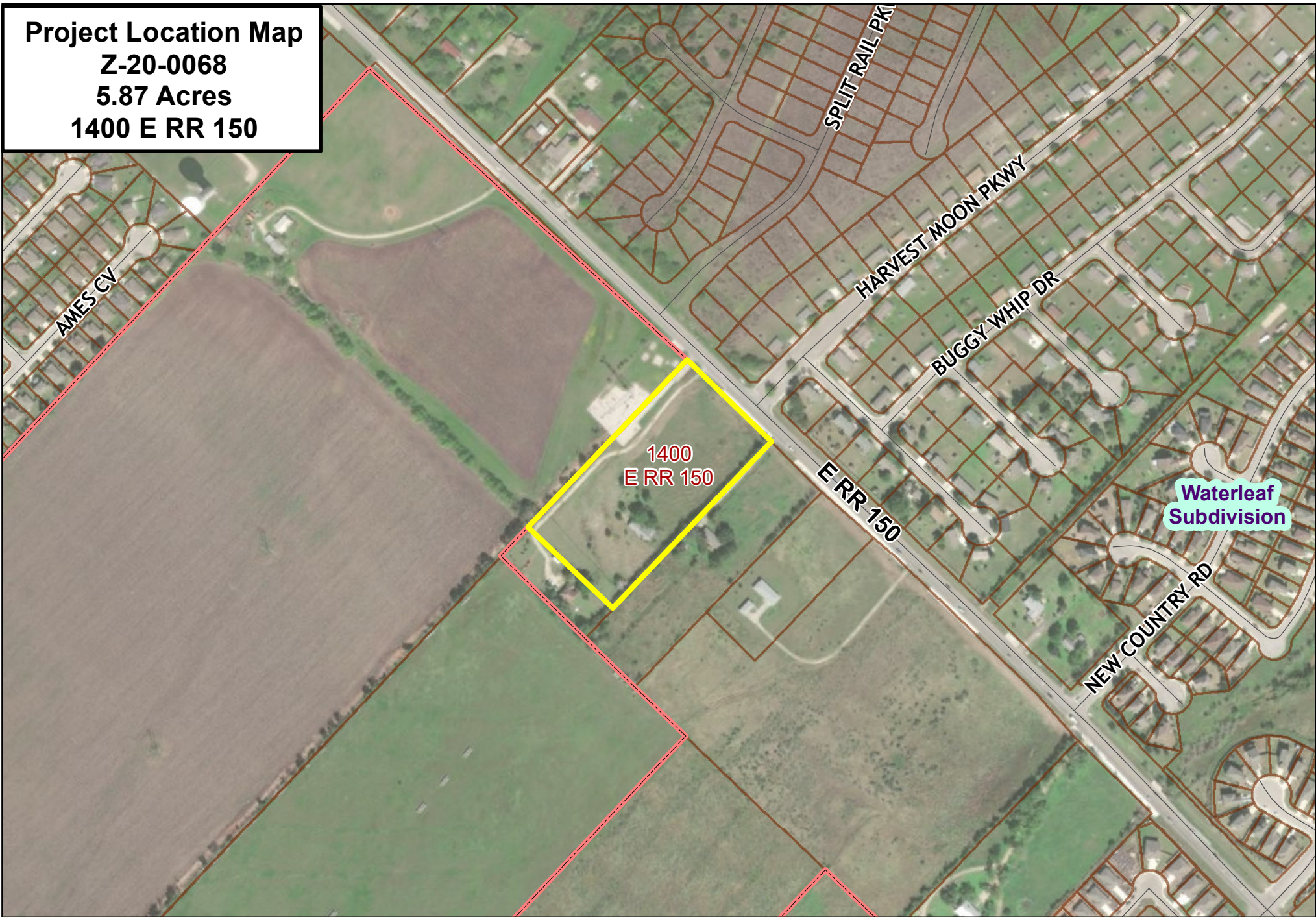
Accepted for Processing By: _____ Date: _____

Date of Public Notification in Newspaper: _____

Date of Public Hearing Before Planning and Zoning Commission: _____

Date of Public Hearing Before City Council: _____

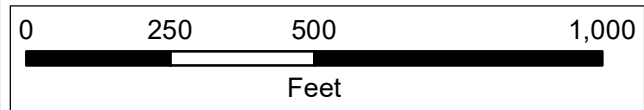
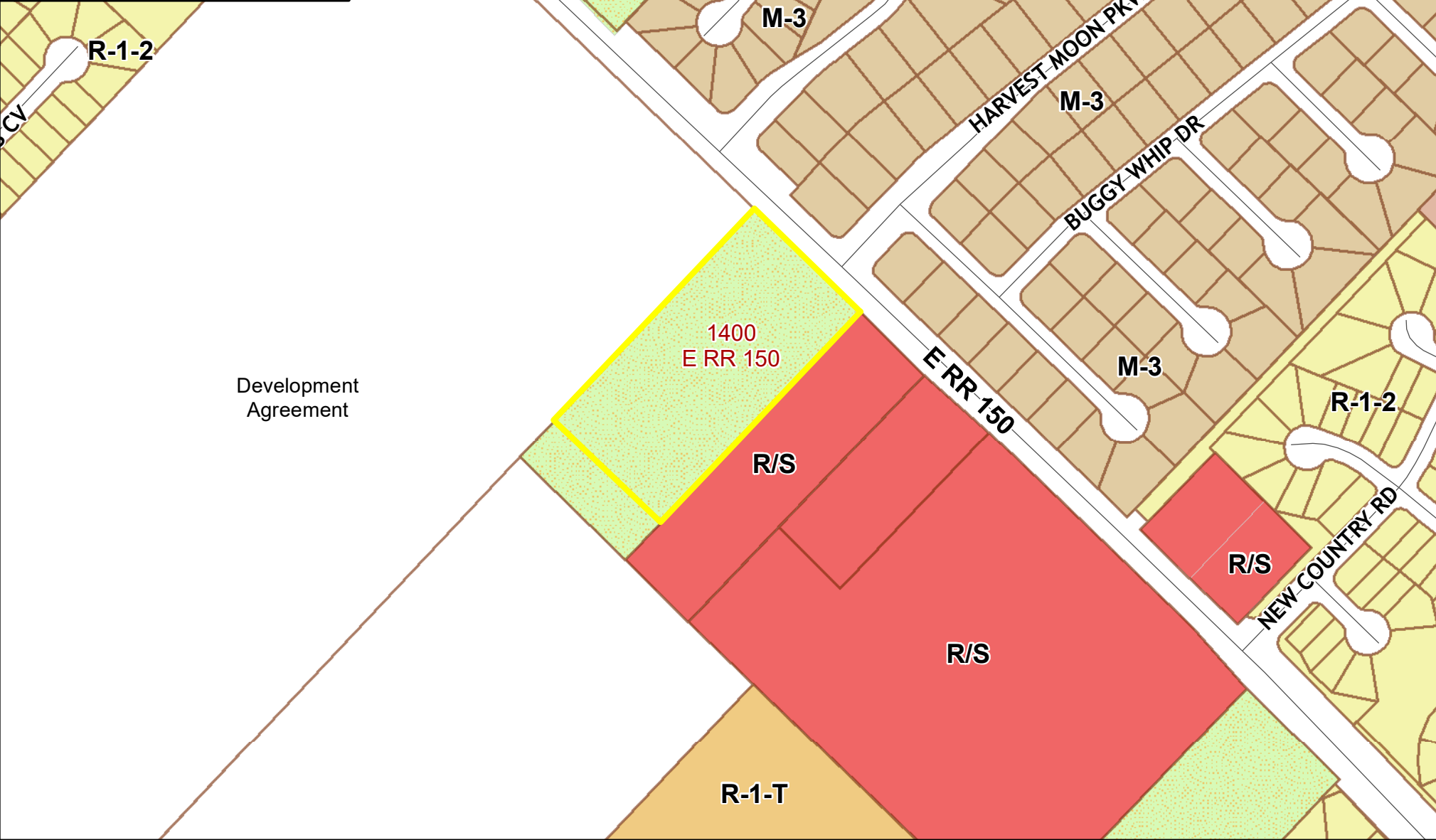
Project Location Map
Z-20-0068
5.87 Acres
1400 E RR 150



 Property Location
Item # 10

 Parcel Lines

Current Zoning Map
Z-20-0068
5.87 Acres
1400 E RR 150



 Property Location
Item # 10

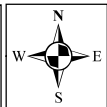
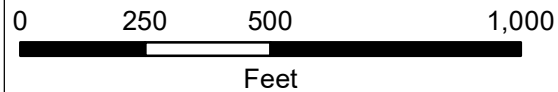
 Parcel Lines

Landuse Districts Map
Z-20-0068
5.87 Acres
1400 E RR 150

Local Node

1400
E RR 150

New Settlement Community



 Property Location
Item # 10

 Parcel Lines



CITY OF KYLE, TEXAS

Parks - Surplus Property

Meeting Date: 2/2/2021

Date time: 7:00 PM

Subject/Recommendation: Declaring parks maintenance equipment as surplus and directing city staff to identify the equipment to be placed on the surplus property listing and the equipment to be declared without value to be disposed or recycled. ~ *Mariana Espinoza, Director of Parks & Recreation*

Other Information: The Parks and Recreation Department has old, unused and salvage equipment at the Park Maintenance Yard located at 225 Rebel Rd. The attached detailed listing of equipment either has no value or no other available use to the City.

Legal Notes:

Budget Information:




ATTACHMENTS:






Description






- PARD Equipment Listing





Date: January 27, 2021
 To: Mayor and Council
 CC: Scott Sellers, City Manager
 Jerry Hendrix, Chief of Staff
 From: Mariana Espinoza, Parks and Recreation Department Director
 Re: PARD Maintenance Surplus Listing

ITEM	Quantity	Reason	
Sag Turf Tiger Model: 27 Advantage	2	Do not run, missing parts	
Cub Cadet	6	Broken, rusted, missing parts	
Kawasaki Field and Brush Mower Model: 4321NR	1	Does not run, needs replacement tires.	

<p>Shredder Swisher Model: T1360V</p>	<p>1</p>	<p>Does not run. Outdated and unused.</p>	
<p>Texas Brag Trailer 16 ft trailer</p>	<p>1</p>	<p>Broken axel, bent frame, unsafe.</p>	
<p>Genie Lift Model: TM2-34/19</p>	<p>1</p>	<p>Not operational.</p>	
<p>Construction King Model: CASE 580D</p>	<p>1</p>	<p>Does not run, needs replacement parts.</p>	
<p>Ferris Zero Turn</p>	<p>1</p>	<p>Does not run. Caught on fire; had an insurance claim</p>	

<p>New Holland Boom AX Model: 5610 VIN: 312527M</p>	<p>1</p>	<p>Needs replacement tires, unused.</p>	
<p>Tiger Truck Chana V8 VIN: A4TSV22FT9P000173</p>	<p>1</p>	<p>Does not run, needs a transmission.</p>	
<p>Troy BH Power Washer</p>	<p>1</p>	<p>Engine is fried.</p>	
<p>Cub Cadet Push Mower</p>	<p>1</p>	<p>Does not run. Needs replacement parts.</p>	
<p>Facility Services Vehicles: 2001 F150 Mileage unknown 100,000+</p>	<p>1</p>	<p>Does not run, multiple electronics issues, bad brakes</p>	

<p>Facility Services Vehicles: 2002 Ford Explorer 109,000</p>	<p>1</p>	<p>Does not run, battery relacement, new rotors, brake pads</p>		
<p>Fscility 2003 Ford Ranger Mileage unkown Estimated 77,900+</p>	<p>1</p>	<p>Does not run, severe engine issues</p>		



CITY OF KYLE, TEXAS

Novation Agreement between
Edmondson Reed and Associates,
Fugro and City of Kyle for 104 S.
Burlerson St. & City Square Park
Projects

Meeting Date: 2/2/2021
Date time: 7:00 PM

Subject/Recommendation: Consider and approve Assignment and Novation of a contract from EDMONDSON REED & ASSOCIATES, INC., to the City of Kyle for the 104 S. Burlerson Street and City Square Park capital improvement projects. ~ *Leon Barba, PE, City Engineer*

Other Information: Edmondson Reed and Associates, Inc. (ERA) has agreed to the assignment and novation of their contract with Fugro USA Land, Inc. to the City of Kyle. The City of Kyle will assume all of ERA's interests, rights, duties and obligations remaining in the contract.

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

- Novation Agreement

ASSIGNMENT AND NOVATION OF CONTRACT

This Assignment and Novation of Contract (this "Assignment") is effective as of January 15, 2021 (the "Effective Date") by and between EDMONDSON REED AND ASSOCIATES, INC., an Oklahoma Corporation, ("Assignor") and THE CITY OF KYLE, ("Assignee") (Assignor and Assignee individually referred to as a "Party" and collectively referred to as the "Parties").

WHEREAS, Assignor is a party in the SERVICE ORDER NO. 1 to MASTER SERVICES AGREEMENT dated AUGUST 21, 2020 (the "Contract"), between the Assignor and FUGRO USA LAND, INC., a corporation organized and existing under the laws of the State of Texas, ("Other Party"); and

WHEREAS, Assignor desires to assign and Assignee desires to receive by assignment all of Assignor's rights and obligations under the Contract;

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. **ASSIGNMENT:** Assignor hereby assigns to Assignee all of its interests, rights and title held by Assignor in and to the Contract.
2. **ASSUMPTION OF OBLIGATIONS:** Assignee acknowledges the receipt of a copy of the Contract. As of the date of this Assignment, Assignee hereby assumes all of Assignor's interests, rights, duties, and obligations remaining in the Contract. As of the date of this Assignment, Assignee agrees to comply with all the terms, make all payments, and perform all conditions and covenants in the Contract as if Assignee were an original party thereto.
3. **INDEMNIFICATION:** Assignee will indemnify, protect and hold Assignor harmless from and against any and all loss, cost, or damage in any way related to Assignee's breach or default of the obligations or covenants assumed by Assignee under the Contract or this Assignment.
4. **ASSIGNOR'S REPRESENTATIONS:** Assignor warrants that the Contract is in full force and effect and fully assignable or may be assigned with consent of Other Party (such consent to be obtained by Assignor before executing this Assignment). Assignor further warrants that the contract rights transferred in this Assignment are free of lien, encumbrance, or adverse claim.
5. **BINDING EFFECT:** The covenants and conditions contained in the Assignment shall apply to and bind the Parties and their heirs, legal representatives, successors and permitted assigns.
6. **GOVERNING LAW:** This Assignment shall be governed by and construed in accordance with the laws of the State of Texas not including its conflict of laws rules that would refer to the laws of another jurisdiction.
7. **WAIVER:** The failure of either Party to enforce any provisions of this Assignment shall not be deemed a waiver or limitation of that Party's right to subsequently enforce and compel strict compliance with every provision of this Assignment.
8. **COUNTERPARTS:** This Assignment may be executed in any number of counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same

document. Each Party agrees that it will be bound by its own digital or electronic signature and that it accepts all digital or electronic signatures in this Assignment.

9. ADDITIONAL TERMS & CONDITIONS [Delete this clause if there are no additional provisions]

IN WITNESS WHEREOF, the authorized representatives of the Parties have caused this Assignment to be executed effective as of the Effective Date.

ASSIGNOR: EDMONDSON REED AND ASSOCIATES, INC.



Name: Cray Bauxmont-Flynn

Title: COO / Principal

Date: 1/19/2021

ASSIGNEE: CITY OF KYLE

Name: James R. Earp, CPM

Title: Assistant City Manager

Date: _____

OTHER PARTY CONSENT:

The undersigned, which is the Other Party to the Contract, hereby consents to the foregoing Assignment and releases Assignor from its obligations and liabilities arising under the Contract and accepts Assignee as a party to the Contract in place of the Assignor.

FUGRO USA LAND, INC.



Name: Denton A. Kort

Title: Vice President/General Manager

Date: January 15, 2021



CITY OF KYLE, TEXAS

Approve a Purchase Order to Fugro USA Land, Inc. for geotechnical services for 104 S. Burleson St. & City Square Park Projects

Meeting Date: 2/2/2021
Date time: 7:00 PM

Subject/Recommendation: Approve a purchase order to FUGRO USA LAND, INC., Austin, Texas, in the amount of \$25,250.00 for providing geotechnical and environmental services for the 104 S. Burleson Street and City Square Park capital improvement projects. ~ *Leon Barba, PE, City Engineer*

Other Information: Fugro USA Land, Inc. (Fugro) was authorized by Edmonson Reed and Associates, Inc. (ERA) to provide geotechnical services (\$18,750.00), a phase 1 environmental site assessment (\$6,500.00) and materials testing (\$14,500.00) for the proposed commercial project at 104 S. Burleson St. and the City Square park.

ERA was unable to fulfill the Design Build financial requirements to get a contract with the City. Without a contract we didn't pay ERA so they in turn didn't pay their subcontractors. What we are doing now is effectively paying for the work that was done for a city project.

The geotechnical report and the environmental site assessment is substantially complete and will eventually be used by the current contractor firm to continue the project. The materials testing portion of the contract was not done and will be determined later by the current contractor.

Legal Notes: N/A

Budget Information: Funding is available in the approved FY 2020-2021 CIP budget for the 104 S. Burleson Street & City Square Park project as follows:

- 1110-66710-572220 = \$19,875.00
- 1110-66720-572220 = \$19,875.00
- Total: = \$39,750.00

ATTACHMENTS:

Description

- Master Agreement for services
- Invoice for Geotechnical Services
- Invoice for ESA

Master Services Agreement
Edmondson Reed and Associates, Inc. & Fugro USA Land, Inc.

Attachment "A"

SERVICE ORDER 1

Service Order No.:1
Project No.: 04.00116493
Effective Date:
08-21-2020

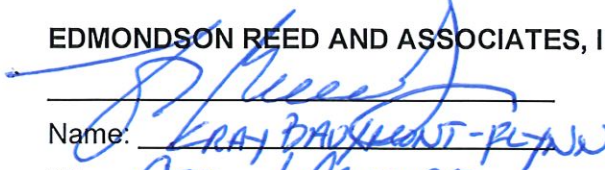
**SERVICE ORDER TO
MASTER SERVICES AGREEMENT**

Fugro USA Land, Inc. ("CONSULTANT") agrees to perform for Edmondson Reed and Associates, Inc. ("COMPANY") the Services described below for the Project identified below. The Services shall be performed in accordance with the provisions of the Master Services Agreement dated August 21, 2020, between COMPANY and CONSULTANT.

1. Project: City of Kyle Commercial Building and Park
2. Services (reference and attach scope of work, if applicable): Refer attached proposal dated 7/22/20
3. Compensation for the proper performance of the Services under this Service Order (reference and attach schedule of compensation or fees, if applicable): \$39,750 per attached proposal dated 7/22/20
4. Start Date: 8/21/2020
5. Time of Performance (reference and attach schedule if applicable): Per attached proposal
6. Payment Instructions: Per attached.
7. Special Terms and Conditions (reference and attach schedule if applicable): N/A

The authorized representatives of COMPANY and CONSULTANT have executed this Service Order as of the Effective Date, above.

EDMONDSON REED AND ASSOCIATES, INC.


Name: KRAY DAVIDSON - PLPNW
Title: COO / PRINCIPAL
Date: 8.25.2020

FUGRO USA LAND, INC.


Name: Denton A. Kort
Title: VP/ General Manager - Central Texas
Date: 08/21/2020



City of Kyle Commercial Building and Park Proposal

Phase I ESA, Geotechnical Investigation and Construction Materials Testing

Document No. 1 | Version 1 | Final

July 22, 2020

ERA Design & Architecture





Fugro USA Land, Inc.
8613 Cross Park Drive
Austin, TX 78754
Phone: (512) 977-1800
USA

Document Information

Project Title	City of Kyle Commercial Building and Park
Project Type	Phase I ESA, Geotechnical Investigation and Construction Materials Testing
Document Type	Proposal
Fugro Project No.	04.00116493
Fugro Document No.	Document No. 1
Version Number	1
Version Status	Final
Fugro Legal Entity	Fugro USA Land, Inc.
Issuing Office Address	8613 Cross Park Drive, Austin, Texas 78754

Client Information

Client	ERA Design & Architecture
Client Address	15 W. 6 th Street, Suite 2507, Tulsa, OK 74119
Client Contact	Mr. Travis Roubideaux
Client Document No.	

Version History

VER	Date	Status	Comments on Content	Prepared By	Checked By	Approved By
1	July 22, 2020	Final		LAT	PHB	PHB

Proposal Team

Initials	Name	Role
PHB	Peter H. Bush, P.E.	Principal Engineer



Fugro USA Land, Inc.
8613 Cross Park Drive
Austin, TX 78754
Phone: (512) 977-1800
USA

ERA Design & Architecture
15 W. 6th Street, Suite 2507
Tulsa, Oklahoma 74119

Proposal No. 04.00116536
July 22, 2020

Attn: Mr. Travis Roubideaux

**Proposal for Phase I ESA, Geotechnical Investigation and
Construction Materials Testing Services
City of Kyle Commercial Building and Park
Kyle, Texas**

Fugro USA Land, Inc. (Fugro) is pleased to submit our Scope of Services, schedule and fees for the above referenced project located at 104 Bureson Street in Kyle, Texas. Two separate sites are included: The Commercial Building Site and the Park Site.

Structural Description

The commercial building will be a three-story structure of 7,500 sq ft, either framed in steel or with load bearing walls, having maximum column loads of 300 kips and wall loads of 1 to 10 kips per foot of length. Minor improvements to the park across Bureson Street are also planned, consisting of new sidewalks.

Task 1: Phase I Environmental Site Assessment for Both Commercial Building Site and the Park Site

Fugro will provide the necessary personnel and equipment to complete the following tasks in accordance with ASTM 1527-13 *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*:

1. Historical review of land use, including review of aerial photographs, soil conservation maps, or other available historical data. A chain-of-title search is not included.
2. Contact Federal, State and Local regulatory agencies to identify records that could indicate negative environmental impact at the site. Agencies that may be contacted include: EPQ, TCEQ, local fire department, Texas Railroad Commission and Hays County.
3. Review surrounding properties to determine if their land usage or business practices could have contributed to a negative environmental impact to the subject site.



4. Evaluation of surrounding areas for sensitive environmental receptors, i.e., drinking water wells, aquifers, schools, etc.
5. Site reconnaissance to evaluate topography and visibly observe conditions on the property and adjacent property that may suggest environmental impairment: drums with unknown contents, underground storage tanks, waste dump areas, stained areas, stressed vegetation, etc.

The findings will be summarized in a report with supporting documents, photos, and maps. The scope of services does not include hazardous materials testing within the existing structures or on the grounds.

Phase I ESA Schedule

The work will be completed within three to four weeks of Notice to Proceed.

Phase I ESA Budget

The lump sum budget for the work (Phase I ESA for both sites) is \$6,500.00.

Task 2: Geotechnical Investigation Services, including field, laboratory and report phases, for both sites

Field Investigation

Location	Number of Borings	Depth (feet)	Total (feet)
Commercial Building	2	45	90
Commercial Building Parking	2	10	20
Park	3	15	45
Total	7	-	155

Laboratory: Classification tests, gradation analyses, chloride and sulfates and unconfined compression tests.

Geotechnical Report: To include general subsurface conditions, plan of borings, boring logs, results of laboratory testing, geotechnical parameters for the recommended foundation type, recommendations for subgrade preparation, pavement thicknesses for both flexible and rigid parking area pavements. LPILE parameters for drilled shafts, minor retaining wall geotechnical parameters, sidewalk parameters, seismic



Fugro USA Land, Inc.
8613 Cross Park Drive
Austin, TX 78754
Phone: (512) 977-1800
USA

site class, results of analytical tests (chloride and sulfates) for analysis by others, and QA/QC recommendations.

One electronic (PDF) copy of the report will be submitted.

Services will be based on:

1. Boring locations will be easily and readily accessible with truck-mounted drilling equipment and overhead clearance without the need for clearing, earthwork or grading;
2. City of Kyle will make onsite underground utility locations known to Fugro prior to drilling. Fugro will contact the Utility Protection Center (Texas One-Call) at least 72 hours prior to mobilization to the site;
3. Samples will be discarded 30 days after submission of report;
4. Borings will be drilled during normal business hours, Monday through Saturday, 7 am to 6 pm;
5. Right of Entry will be provided by others;
6. Borings will be located using a hand-held GPS device;
7. Required permitting for the City of Kyle Street Cut Permit will be obtained by others; and
8. The standard AIA contract will be used as the Agreement between Fugro and ERA. The AIA contract is currently being reviewed by Fugro management.

Geotechnical Schedule: Depending upon site and weather conditions, completion should occur within 4 to 6 weeks from official Notice to Proceed.

Geotechnical Budget

The lump sum budget for the Geotechnical Investigation is \$18,750.00.

Task 3: Construction Materials Testing for Earthwork, Foundations, Concrete and Structural Steel

Testing Budget: \$14,500.00



Fugro USA Land, Inc.
8613 Cross Park Drive
Austin, TX 78754
Phone: (512) 977-1800
USA

Budget Summary

Phase I ESA.....	\$ 6,500.00
Geotechnical Investigation.....	\$ 18,750.00
Construction Materials Testing	\$ <u>14,500.00</u>
Total Cost Estimate.....	\$ 39,750.00

* * *

We appreciate the opportunity to submit this proposal and look forward to our continued association. Please call us with any questions or comments concerning this proposal or if we can be of any additional assistance.

Sincerely,
FUGRO USA LAND, INC.
TBPE Firm Registration No. F-299

Peter H. Bush, P.E.
Principal Engineer

PHB/lt(w/g/p/2020/04.00116536)

Approved

8.12.2020

INVOICE



FUGRO USA LAND, INC.
8613 Cross Park Drive
Austin, Texas 78754-4565
(512) 977-1800
Questions? Lthomas@fugro.com

REFERENCE NO.	DATE
30-00784	10/29/2020

CLIENT
Cray Bauxmont-Flynn, COO/Principal ERA Design & Architecture 15 West 6th Street, Suite 2507 Tulsa, OK 74119

PROJECT NUMBER, NAME AND LOCATION
Fugro Project No. 04.00174442 Geotechnical Field Investigation City of Kyle Commercial Building & Park Invoice No. 2

DESCRIPTION	QUANTITY	UNIT	RATE	AMOUNT
<p>PROFESSIONAL SERVICES: Performance of a Geotechnical Field Investigation for the City of Kyle Commercial Building and Park, Kyle, Texas. These services were performed in general accordance with our proposal dated July 22, 2020, and were approved by Ms. Cray Bauxmont-Flynn, COO/Principal, ERA Design & Architecture on August 21, 2020.</p> <p>Geotechnical Investigation</p>	1	L.S.	18,750.00	18,750.00

Total Amount Due \$18,750.00

REMIT BY ACH OR WIRE: JP MORGAN CHASE
ABA ROUTING #: 111000614
ACCOUNT #: 001-00349332

OR MAIL TO: FUGRO USA LAND, INC.
P. O. BOX 301083
DALLAS, TX 75303-1083

INVOICE DUE ON RECEIPT, PAST DUE IN 30 DAYS

Item # 13

INVOICE



FUGRO USA LAND, INC.
8613 Cross Park Drive
Austin, Texas 78754-4565
(512) 977-1800
Questions? Lthomas@fugro.com

REFERENCE NO.	DATE
30-00782	9/30/2020

CLIENT
Mr. Travis Roubideaux ERA Design & Architecture 15 West 6th Street, Suite 2507 Tulsa, OK 74119

PROJECT NUMBER, NAME AND LOCATION
Fugro Project No. 04.00174442 Phase I ESA City of Kyle Commercial Building & Park Invoice No. 1

DESCRIPTION	QUANTITY	UNIT	RATE	AMOUNT
PROFESSIONAL SERVICES: Performance of a Phase I ESA, Geotechnical Investigation and Construction Materials Testing Services for the City of Kyle Commercial Building and Park, Kyle, Texas. These services are being performed in general accordance with our proposal dated July 22, 2020, and were approved by Mr. Cray Bauxmont-Flynn, COO/Principal, ERA Design & Architecture on August 21, 2020.				
Phase I Environmental Site Assessment	1	L.S.	6,500.00	6,500.00

Total Amount Due \$6,500.00

REMIT BY ACH OR WIRE:
JP MORGAN CHASE
ABA ROUTING #: 111000614
ACCOUNT #: 001-00349332

OR MAIL TO:
FUGRO USA LAND, INC.
P. O. BOX 301083
DALLAS, TX 75303-1083

INVOICE DUE ON RECEIPT, PAST DUE IN 30 DAYS

Item # 13



CITY OF KYLE, TEXAS

Approve a Purchase Order to Byrn and Associates Surveying for 104 S. Burleson St. & City Square Park Projects

Meeting Date: 2/2/2021

Date time: 7:00 PM

Subject/Recommendation: Approve and ratify a purchase order to BYRN AND ASSOCIATES SURVEYING, San Marcos, Texas in the amount of \$16,000.00 for providing topographic services for the 104 S. Burleson Street and City Square Park capital improvement projects. ~ *Leon Barba, P.E., City Engineer*

Other Information: Byrn and Associates Surveying was engaged to provide topographic services for 104 S. Burleson St. and the adjacent City park by Edmondson Reed and Associates, Inc. (ERA).

ERA was unable to fulfill the Design Build financial requirements to get a contract with the City. Without a contract we didn't pay ERA so they in turn didn't pay their subcontractors. What we are doing now is effectively paying for the work that was done for a city project.

The work done by Byrn and Associates Surveying is complete and will be used by the current design firm to continue the project.

Legal Notes: N/A

Budget Information: Funding is available in the approved FY 2020-2021 CIP budget for the 104 S. Burleson Street & City Square Park project as follows:

- 1110-66710-572220 = \$ 8,000.00
- 1110-66720-572220 = \$ 8,000.00
- Total = \$16,000.00

ATTACHMENTS:

Description

- Invoice for surveying
- Final invoice for surveying



CITY OF KYLE, TEXAS

ILA To Reimburse Hays County
\$700,000.00 for Materials for
Reconstruction of Old Post Road
(CR 134) from CR 158 to FM 150

Meeting Date: 2/2/2021
Date time:7:00 PM

Subject/Recommendation: Approve an interlocal agreement between Hays County and the City of Kyle authorizing reimbursement in the amount of \$700,000.00 by the City to Hays County for road construction materials required in the reconstruction of Old Post Road (CR 134) from CR 158 to FM 150. ~ *Leon Barba, P.E., City Engineer*

Other Information:

Legal Notes: N/A

Budget Information: Funding is available in the approved FY 2020-2021 CIP budget for the Old Post Road project as follows:

- 1110-64800-572520 = \$ 850,000.00

ATTACHMENTS:

Description

- Interlocal Agreement

AGENDA ITEM REQUEST FORM

Hays County Commissioners Court

Tuesdays at 9:00 AM

Request forms are due in Microsoft Word Format via email by 2:00 p.m. on Wednesday.

AGENDA ITEM

Discussion and possible action to authorize the County Judge to execute an interlocal agreement between Hays County and the City of Kyle regarding the reconstruction of Old Post Road (CR 134) from CR 158 to FM 150 in Precinct 1 and amend the budget accordingly.

ITEM TYPE	MEETING DATE	AMOUNT REQUIRED
ACTION-ROADS	January 26, 2021	\$0.00

LINE ITEM NUMBER

020-710-00]

AUDITOR USE ONLY

AUDITOR COMMENTS:

PURCHASING GUIDELINES FOLLOWED: N/A **AUDITOR REVIEW:** MARISOL VILLARREAL-ALONZO

REQUESTED BY	SPONSOR	CO-SPONSOR
Jerry Borcharding, P.E., Transportation Director	INGALSBE	N/A

SUMMARY

Old Post Road (CR 134) from CR 158 to FM 150 is a heavily traveled road in the City of Kyle and within Hays County Precinct 1. Under this agreement, the City of Kyle would be responsible for design, right of way, utility relocation, coordination with TXDOT and the cost of all materials, including a contracted overlay. Hays County contributions will include preparation of right of way, excavation, placing topsoil, placing and maintaining barricades for traffic control, hauling base material unless it exceeds County capability, and mixing, compacting and finishing base.

Budget Amendment:

Increase Intergovernmental Revenue .4301 - (\$700,000)
Increase Road Materials .5351 - \$700,000

**INTERLOCAL AGREEMENT BETWEEN
HAYS COUNTY AND THE CITY OF KYLE
RELATED TO THE OLD POST ROAD (CR134) PROJECT**

THE STATE OF TEXAS §
 § KNOW ALL BY THESE PRESENTS:
COUNTY OF HAYS §

This Interlocal Agreement (the “**Agreement**”) is entered into as of this _____ day of _____, 2021, by and between Hays County, a political subdivision of the State of Texas (the “**County**”) and the City of Kyle, a Texas home-rule municipality (the “**City**”) (collectively, the “**Parties**”). In this Agreement, the City and the County are sometimes individually referred to as “**a Party**” and collectively referred to as “**the Parties**”.

RECITALS

WHEREAS, V.T.C.A., Government Code, Chapter 791, cited as the Texas Interlocal Cooperation Act, provides that any one or more public agencies may contract with each other for the performance of governmental functions or services for the promotion and protection of the health and welfare of the inhabitants of this State and the mutual benefit of the parties; and

WHEREAS, the City desires to rehabilitate Old Post Road (CR 134) from CR 158 to FM 150 (approximately 0.6 mile).

WHEREAS, Old Post Road (CR 134) from CR 158 to FM 150 lies within the city limits of Kyle; and

WHEREAS, the County and the City desire to cooperate in the expeditious rehabilitation of Old Post Road (CR 134) from CR 158 to FM 150 (the “**Project**”);

NOW THEREFORE, in consideration of the foregoing premises and the mutual promises and agreements of the Parties contained in this Agreement, the Parties agree as follows:

**I.
PURPOSE**

1.02 General. The purpose of this Agreement is to provide for the County’s participation in the construction of the Project. The Project includes the design and miscellaneous construction required to rehabilitate the existing two lanes and shoulders on the Project shown on Exhibit A.

II. CITY OBLIGATIONS

2.01 Design Costs. The City shall be responsible for contracting with the firm of CP&Y, Inc. (“Design Firm”) regarding the engineering and design costs for the Project. The County shall be responsible for providing the labor and contract service resources, as needed, for reconstructing the Project.

2.02 Construction Costs. The City shall be responsible for all material costs and contract costs associated with the construction of the Project, unless otherwise specified herein (“Project Construction Costs”). The estimated Project Material and Contract Services Cost is \$700,000.

2.03 Construction Plans. The City will approve the plans and specifications related to the Project. Any changes or modifications to the plans will be submitted to the County prior to commencing construction.

2.04 Additional City Responsibilities.

- (a) The City shall obtain all required right of way,
- (b) Move all utilities as needed,
- (c) Coordinate/Permit with TxDOT,
- (d) Pay for any utility relocations, if needed,
- (e) Pay for all materials, including water,
- (f) Furnish topsoil,
- (g) Provide construction surveying, as needed,
- (h) Pay for contract hauling of materials, as needed (base, asphalt, etc.),
- (i) Pay for all contracted work, including but not limited to, sidewalks, driveways, curb and gutter and pedestrian ramps,
- (j) Pay for materials testing/quality control testing,
- (k) Pay for revegetation,
- (l) Pay for striping,
- (M) Pay for rental of traffic control items, if any, and,
- (N) Pay for paving of top course.

III. COUNTY OBLIGATIONS

3.01 Design Reimbursements. As stated above, the City shall contract with the Design Firm, and be responsible for the payment of all Design Firm invoices. Design costs for any changes requested by the County during construction shall be negotiated with the City and be addressed in an Amendment to this Interlocal Agreement, as appropriate.

3.02 Construction Reimbursements. As stated above, the City shall be responsible for all costs associated with the material construction of the Project, unless otherwise specified herein (“Project Construction Costs”). Construction costs for any changes requested by the County during construction shall be negotiated with the City and be addressed in an Amendment to this Interlocal Agreement, as appropriate.

3.03 Permission to Construct. The City agrees to allow the County to construct the Project within the City’s boundaries.

3.04 Additional County Responsibilities

- (a) Prepare Right of way,
- (b) Excavation,
- (c) Placing topsoil,
- (d) Placing and maintaining barricades for traffic control,
- (e) Hauling base material unless it exceeds County capability, and
- (f) Mixing, compacting and finishing base.

IV. DISPUTES

4.01 Material Breach; Notice and Opportunity to Cure.

(a) In the event that one Party believes that another Party has materially breached one of the provisions of this Agreement, the non-defaulting Party will make written demand to cure and give the defaulting Party up to 30 days to cure such material breach or, if the curative action cannot reasonably be completed within 30 days, the defaulting Party will commence the curative action within 30 days and thereafter diligently pursue the curative action to completion. Notwithstanding the foregoing, any matters specified in the default notice which may be cured solely by the payment of money must be cured within 10 days after receipt of the notice. This applicable time period must pass before the non-defaulting Party may initiate any remedies available to the non-defaulting party due to such breach.

(b) Any non-defaulting Party will mitigate direct or consequential damage arising from any breach or default to the extent reasonably possible under the circumstances.

(c) The Parties agree that they will negotiate in good faith to resolve any disputes and may engage in non-binding mediation, arbitration or other alternative dispute resolution methods as recommended by the laws of the State of Texas.

4.02 Equitable Relief. In recognition that failure in the performance of the Parties' respective obligations could not be adequately compensated in money damages alone, the Parties agrees that after providing notice and an opportunity to cure in accordance with Section 4.01 above, the Parties shall have the right to request any court, agency or other governmental authority of appropriate jurisdiction to grant any and all remedies which are appropriate to assure conformance to the provisions of this Agreement. The defaulting Party shall be liable to the other for all costs actually incurred in pursuing such remedies, including reasonable attorney's fees, and for any penalties or fines as a result of the failure to comply with the terms including, without limitation, the right to obtain a writ of mandamus or an injunction requiring the governing body of the defaulting party to levy and collect rates and charges or other revenues sufficient to pay the amounts owed under this Agreement.

4.03 Agreement's Remedies Not Exclusive. The provisions of this Agreement providing remedies in the event of a Party's breach are not intended to be exclusive remedies. The Parties retain, except to the extent released or waived by the express terms of this Agreement, all rights at law and in equity to enforce the terms of this Agreement.

V. GENERAL PROVISIONS

5.01 Authority. This Agreement is made in part under the authority conferred in Chapter 791, *Texas Government Code*.

5.02 Term. This Agreement shall commence upon execution of this Agreement and shall end upon the acceptance of the project.

5.03 Severability. The provisions of this Agreement are severable and, if any provision of this Agreement is held to be invalid for any reason by a court or agency of competent jurisdiction, the remainder of this Agreement will not be affected and this Agreement will be construed as if the invalid portion had never been contained herein.

5.04 Default and Remedies. If City fails to pay for Services under this Agreement and continues such failure for thirty (30) days after the County provides written notice to cure, City shall be deemed to be in default under this Agreement. In the event that the County defaults under this Agreement, and such default is not cured, City may, in addition to any other remedy at law or in equity, immediately terminate this Agreement or seek specific performance of this Agreement.

5.05 Payments from Current Revenues. Any payments required to be made by a Party under this Agreement will be paid from current revenues or other funds lawfully available to the Party for such purpose.

5.06 Cooperation. The Parties agree to cooperate at all times in good faith to effectuate the purposes and intent of this Agreement.

5.07 Entire Agreement. This Agreement contains the entire agreement of the Parties regarding the subject matter hereof and supersedes all prior or contemporaneous understandings or representations, whether oral or written, regarding the subject matter and only relates to those portions of the Project shown in the map attached hereto as Exhibit "A."

5.08 Amendments. Any amendment of this Agreement must be in writing and will be effective if signed by the authorized representatives of the Parties.

5.9 Applicable Law; Venue. This Agreement will be construed in accordance with Texas law. Venue for any action arising hereunder will be in Hays County, Texas.

5.10 Notices. Any notices given under this Agreement will be effective if (i) forwarded to a Party by hand-delivery; (ii) transmitted to a Party by confirmed telecopy; or (iii) deposited with the U.S. Postal Service, postage prepaid, certified, to the address of the Party indicated below:

CITY: 100 W. Center St.
Kyle, Texas 78640
Attn: Travis Mitchell, Mayor
Telephone: 512-262-1010
Email: mayormitchell@cityofkyle.com

COUNTY: Hays County Dept. of Transportation
2171 Yarrington Road
San Marcos, Texas 78666
Attn: Jerry Borcharding, P.E.
Telephone: (512) 393-7385
Facsimile: (512) 393-7393

5.11 Counterparts; Effect of Partial Execution. This Agreement may be executed simultaneously in multiple counterparts, each of which will be deemed an original, but all of which will constitute the same instrument.

5.12 Authority. Each Party represents and warrants that it has the full right, power and authority to execute this Agreement.

5.13 Effective Date. This Agreement is executed to be effective on the date the last Party signs this Agreement.

5.15 No Joint Venture. The County Project is a sole project of the County and is not a joint venture or other partnership with the City.


(SIGNATURES ON FOLLOWING PAGE)

HAYS COUNTY

By: 
Ruben Becerra, County Judge

Date: 1-26-2021

ATTEST:

By: 
County Clerk



THE STATE OF TEXAS §
 §
COUNTY OF HAYS §

THIS INSTRUMENT was acknowledged before me on this ____ day of _____, 2021, by County Judge Ruben Becerra of Hays County, Texas, on behalf of said County.

Notary Public, State of Texas

CITY OF KYLE, TEXAS

By: _____

Date: _____

ATTEST:

By: _____

_____, _____ City Secretary

THE STATE OF TEXAS §

§

COUNTY OF HAYS §

THIS INSTRUMENT was acknowledged before me on this ____ day of _____, 2021, by Travis Mitchell, Mayor of the City of Kyle, a Texas home-rule city, on behalf of said city.

Notary Public, State of Texas

EXHIBIT A



CITY OF KYLE, TEXAS

Kyle Mortgage Investors, LLC - Zoning (Z-20-0067)

Meeting Date: 2/2/2021

Date time: 7:00 PM

Subject/Recommendation: *(Second Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas for the purpose of rezoning approximately 57-acres of land from Single Family Residential-2 'R-1-2' (42.3-acres) and Retail Service District 'RS' (15-acres) to Planned Unit District 'PUD' (Single Family Attached 'R-1-A', 54-acres) and (Retail Service District 'RS', 3.3-acres) for property located at 1821 W. RR 150, in Hays County, Texas. Kyle Mortgage Investors, LLC (Z-20-0067) ~ *Howard J. Koontz, Director of Planning and Community Development*

Planning and Zoning Commission voted 4-2 to recommend approval of the request.

City Council voted 7-0 to approve on first reading.

Other Information: See attachments.

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

- Staff Memo
- Ordinance with Exhibit's A, B & C
- Cover Letter
- Letter of Request
- Location Map
- Current Zoning Map
- Land Use Districts Map
- Conceptual Land Plan
- PUD Development Standards - Redlined
- PUD Development Standards - Clean Copy
- Letter of Opposition
- Letter of Opposition 2
- Letter of Opposition 3
- Kyle 57 reponse for City Council Meeting

Property Location	W FM 150, Kyle, Texas (900' NW of FM 2770 & W FM 150)
Owner	Kyle Mortgage Investors, LLC 10800 Wilshire Blvd, Ste. 2101 Los Angeles, CA 90024
Agent	Jeffrey S. Howard McLean & Howard 901 S. MoPac Expy, Ste. 225 Austin, TX 78746
Request	Rezone 41.5-Acres (R-1-2) & 14.89-Acres (RS) to 57-Acres PUD (R-1-A & RS)

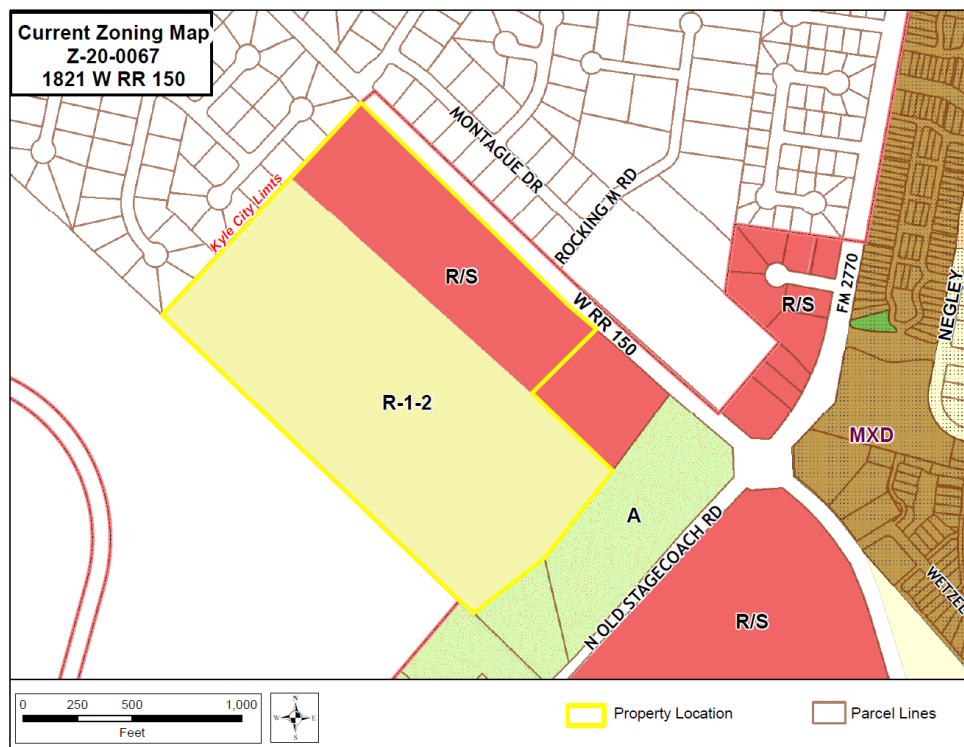
VICINITY MAP



SITE DESCRIPTION

The parcel is approximately 950-feet northwest of the FM 150 & FM 2770 intersection. The site is largely vacant, with one manufactured home on site, and split-zoned both R-1-2 (Single-Family Residential Detached 2) and RS (Retail Services). To the northwest is the Quail Meadows subdivision and to the north, across W FM 150, is the Dove Hollow subdivision. Both neighborhoods are in the City of Kyle's ETJ. To the northeast across W FM 150 is the local PEC office, with a convenience store and fuel station on the corner of FM 2770 and W FM 150. Additionally, a vacant property zoned RS sits adjacent and to the east of the 57-acre property. To the southeast and south lies property zoned "A" with single-family residences. To the west is a future phase of the Six Creeks neighborhood (ETJ).

The applicant is requesting the property to be rezoned to a Planned Unit Development (PUD) that encapsulates the RS and R-1-A zoning districts.



Existing Zoning

R-1-2 (Single Family Residential Detached 2), 41.5-Acres

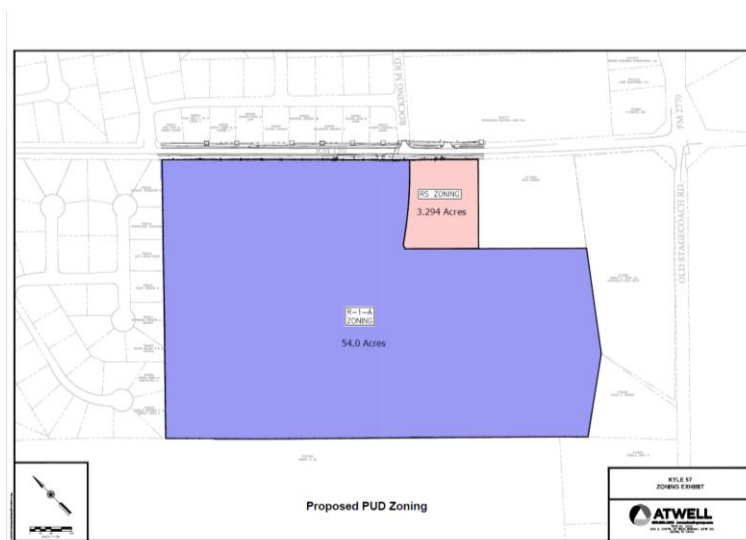
Sec. 53-89. - Purpose and permitted uses.

The single-family residential 2 district permits detached single-family dwellings with a minimum of 1,200 square feet of living area, and related accessory structures, on a minimum lot size of 6,825 square feet. There shall be no more than 4.7 houses per buildable acre.

R/S (Retail Services District) – 14.89-Acres

Sec. 53-480. - Purpose and permitted uses.

This district allows general retail sales of consumable products and goods within buildings of products that are generally not hazardous and that are commonly purchased and used by consumers in their homes, including most in-store retail sales of goods and products that do not pose a fire or health hazard to neighboring areas, e.g., clothing, prescription drugs, furniture, toys, hardware, electronics, pet supply, variety, department, video rental and antique stores, art studio or gallery, hobby shops and florist shops., and the retail sale of goods and products (in the following listed use areas) to which value has been added on site, including sales of goods and services outside of the primary structure as customary with the uses specifically listed, and the following: Any use permitted in CBD-1 or CBD-2 and RS districts as provided in section 53-1230.



Proposed Zoning

PUD (3.294-Acres RS & 54-Acres R-1-A)

R/S (Retail Services District), 3.294-Acres

Sec. 53-480. - Purpose and permitted uses.

This district allows general retail sales of consumable products and goods within buildings of products that are generally not hazardous and that are commonly purchased and used by consumers in their homes, including most in-store retail sales of goods and products that do not pose a fire or health hazard to neighboring areas, e.g., clothing, prescription drugs, furniture, toys, hardware, electronics, pet supply, variety, department, video rental and antique stores, art studio or gallery, hobby shops and florist shops., and the retail sale of goods and products (in the following listed use areas) to which value has been added on site, including sales of goods and services outside of the primary structure as customary with the uses specifically listed, and the following: Any use permitted in CBD-1 or CBD-2 and RS districts as provided in section 53-1230.

R-1-A (Single Family Attached District), 54-Acres

Sec. 53-111. - Purpose and permitted uses.

The single-family attached district R-1-A, garden home allows attached single-family structures with a minimum of 1,000 square feet of living area per dwelling unit and permitted accessory structures on a minimum lot size of 4,800 square feet. There shall be no more than 6.8 houses per buildable acre. The single-family attached residences authorized in this zoning district include those generally referred to as garden homes, paired homes, patio homes and zero lot line homes. Additionally, single family detached structures are permitted in this district as a conditional use, as provided in V.T.C.A., Local Government Code ch. 211; provided that a conditional use permit may only be approved after a public hearing is held by the city council after having received a report and recommendation from the planning and zoning commission concerning the effect of the proposed use on the adjacent and neighboring properties and neighborhoods.

CONDITIONS OF THE ZONING ORDINANCE

Sec. 53-1205 Amendments

(d)

Referral of amendment to planning and zoning commission. Upon its own motion, a request by the planning and zoning commission, or the receipt of an administratively complete petition and application to zone or rezone a lot, tract or

parcel of land, which petition and application has been examined and approved as to form by the city manager, shall be referred to the planning and zoning commission for consideration, public hearing, and recommendation to the city council. The council may not enact a rezoning amendment until the planning and zoning commission has held a public hearing and made its recommendation to the city council, or has made a final vote on the matter without obtaining a majority, on the zoning or rezoning of the property.

(e)

Action by the planning and zoning commission. The planning and zoning commission shall cause such study and review to be made as advisable and required, shall give public notice and hold a public hearing as provided by state law, and shall recommend to the council such action as the planning and zoning commission deems proper...

DIVISION 2. - PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

Subdivision I. - In General

Sec. 53-699. - Purpose and objectives.

- (a) The purpose and intent of the planned unit development district is to provide a flexible, alternative procedure to encourage imaginative and innovative designs for the unified development of property in the city consistent with this chapter and accepted urban planning, with overall mixed-use regulations as set forth below and in accordance with the city's comprehensive plan. The planned unit development rules are designed to:
- (1) Allow development which is harmonious with nearby areas;
 - (2) Enhance and preserve areas which are unique or have outstanding scenic, environmental, cultural or historic significance;
 - (3) Provide an alternative for more efficient use of land, resulting in smaller utility networks, safer streets, more open space, and lower construction and maintenance costs;
 - (4) Encourage harmonious and coordinated development, considering natural features, community facilities, circulation patterns and surrounding properties and neighborhoods;
 - (5) Facilitate the analysis of the effect of development upon the tax base, the local economy, population, public facilities and the environment;

- (6) Provide and result in an enhanced residential and/or work environment for those persons living and/or working within the district; and
 - (7) Require the application of professional planning and design techniques to achieve overall coordinated mixed-use developments and avoid the negative effects of piecemeal, segregated, or unplanned development.
- (b) Toward these ends, rezoning of land and development under this district will be permitted only in accordance with the intent and purpose of the city's comprehensive plan and this chapter, and to that end the planned unit development plan must be prepared and approved in accordance with the provisions of this chapter.

(Ord. No. 438, § 39(a), 11-24-2003)

Sec. 53-703. - Flexible planning.

- (a) When considering a planned unit development (PUD), the unique nature of each proposal for a PUD may require, under proper circumstances, the departure from the strict enforcement of certain present codes and ordinances, e.g., without limitation, the width and surfacing of streets and highways, lot size, parking standards, set backs, alleyways for public utilities, signage requirements, curbs, gutters, sidewalks and streetlights, public parks and playgrounds, drainage, school sites, storm drainage, water supply and distribution, sanitary sewers, sewage collection and treatment, single use districts, etc.
- (b) Final approval of a PUD by the city council shall constitute authority and approval for such flexible planning to the extent that the PUD as approved, departs from existing codes and ordinances.
- (c) The flexibility permitted for a PUD does not imply that any standard or requirement will be varied or decreased.

(Ord. No. 438, § 39(d), 11-24-2003)

Sec. 53-704. - Rules applicable.

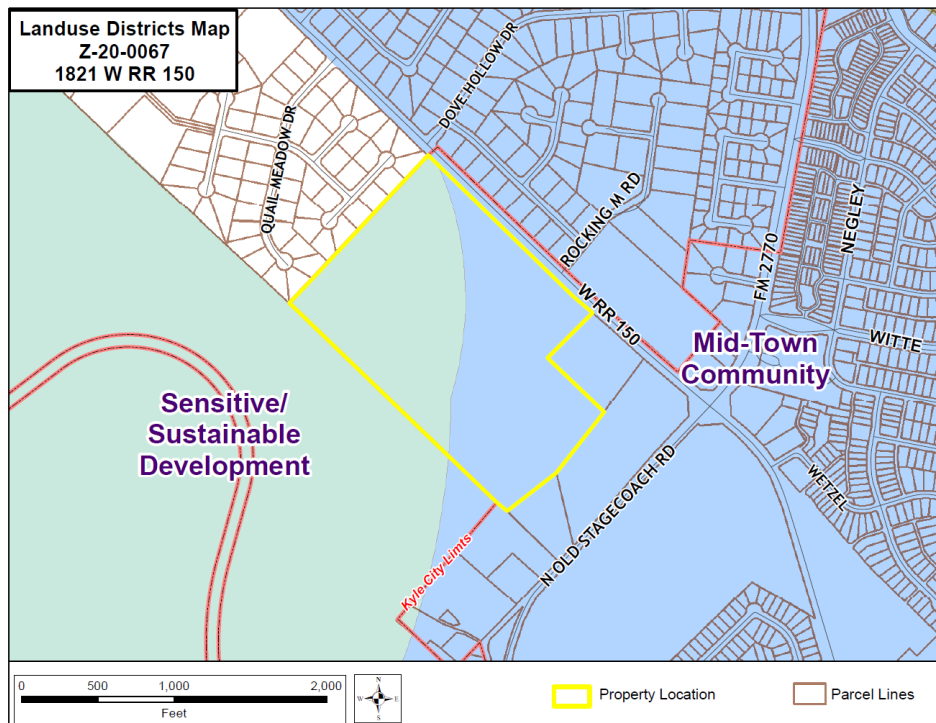
The city council, after public hearing and proper notice to all parties affected and after recommendation from the planning and zoning commission, may attach a planned unit

development district designation to any tract of land equal to or greater than three buildable acres. Under the planned development designation the following rules apply:

- (1) The approval of any proposed PUD or combination of uses proposed therein shall be subject to the discretion of the city council, and no such approval will be inferred or implied.
- (2) Permitted uses are those listed under the applicable zoning districts for the base zoning to be applied to the PUD (for example, the permitted uses in a PUD proposed to be developed as CBD-2, RS, W, CM districts). In addition, a planned unit development district may be established where the principal purpose is to serve as a transitional district, or as an extension of an existing district whereby the provision of off-street parking, screening walls, fences, open space and/or planting would create a protective transition between a lesser and more restrictive district. In approving a planned unit development, additional uses may be permitted, and specific permitted uses may be prohibited from the base district.
- (3) Standards required by the base zoning apply in a planned unit development except that the following regulations and standards may be varied in the adoption of the planned unit development; provided that the plan is consistent with sound urban planning and good engineering practices.
 - a. Front, side and rear setbacks.
 - b. Maximum height.
 - c. Maximum lot coverage.
 - d. Floor area ratio.
 - e. Off-street parking requirements.
 - f. Special district requirements pertaining to the base zoning.
 - g. Number of dwelling units per buildable acre.
 - h. Accessory building regulations.
 - i. Sign standards.

- (4) In approving a planned unit development, no standards may be modified unless such modification is expressly permitted by this chapter, and in no case may standards be modified when such modifications are prohibited by this chapter.
- (5) In approving a planned unit development, the city council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, light and air, orientation, type and manner of construction, setbacks, lighting, landscaping, management associations, open space, and screening.
- (6) The planning and zoning commission and city council, in approving modifications to standards and regulations, shall be guided by the purpose intended by the base zoning and general intent of this chapter.

(Ord. No. 438, § 39(e), 11-24-2003)



COMPREHENSIVE PLAN TEXT

The subject site is located in the “Mid-Town Community District” and the “Sensitive/Sustainable Development” District.

Mid-Town Community District

Recommended: R-1-1, R-1-2, R-1-3, NC

Conditional: E, **R-1-A**, R-1-T, R-3-1, R-3-2, CC, **R/S**, MXD, O/I

Sensitive/Sustainable Development District

Recommended: A, UE

Conditional: R-1-1, R-1-2, **R-1-A**, R-2, R-1-T, R-3-3, T/U, NC, **RS**

MID-TOWN COMMUNITY LAND USE DISTRICT

Character: The Mid-Town District contains sites of recent residential development in Kyle and will continue to predominantly feature residential uses. Those residential uses in this District are organized around the curvilinear streets of suburban neighborhood design, rather than the regular, rectilinear grid that characterizes the Old Town District. The Plum Creek waterway flows through and adjacent to the Mid-Town District, offering opportunities for recreation and a responsibility for environmental conservation. This District has a neighborhood-oriented form built around shared spaces such as streets, yards, porches and common areas. Neighborhood legibility and continuity is enhanced through these shared spaces. Distinctive landscape forms, including creekways, vistas, and rolling hills, give identity to this District and should be preserved, protected, and incorporated into development plans.

Intent: The purpose of the Mid-Town District is to maximize the value capture of new residential development in Kyle. This District enjoys unusual proximity to amenities, such as open space, Downtown, commercial nodes, and transit options. The area is therefore well-positioned to define an economic and lifestyle pattern that is unique to Kyle. New development should accommodate low- to mid-density detached residential uses within the unique landscape forms that are present in the District. Higher density residential, attached residential, and non-residential projects like employment and retail sales should be considered based on their proximity to higher classification streets, higher capacity water and waste water availability, and likelihood of compatibility of adjacent uses. Legibility of neighborhood identity, definition, and transportation should be improved

within the Mid-Town District through such elements as trails, sidewalks, signage, and interconnected shared spaces.

SENSITIVE/SUSTAINABLE DEVELOPMENT DISTRICT

Character: Although the Sensitive/Sustainable Development District is currently lacking in roadway connections and therefore somewhat isolated from the rest of Kyle, the newly planned RR 150 bypass will open up a new corridor through this region, as well as new roads extending from the southwest to the northeast, around which natural residential expansion into the hill country will continue. The Sensitive/Sustainable Development District should be characterized primarily by Low-Impact Development. To this end, development and build forms must minimize visual intrusion into the landscape, as well as environmental impact, similar to the Ranch Landscape development pattern. Natural landscape elements should be incorporated into site design and shared/common spaces. Cluster development, conservation subdivisions, and certified resilient building standards are ideal and should be encouraged in this District. These types of development will preserve natural features and amenities while still absorbing an appropriate amount of development pressure.

Intent: The purpose of the Sensitive/Sustainable Development District, is to manage and direct growth toward forms of development that recognize the inherent natural systems and preserve the existing environmental assets. The two districts, bifurcated by the Ranch and Riparian landscapes will develop with low density residential, and light service and retail master planned communities, located along the new RR 150 bypass (which will extend from Arroyo Ranch to the west side of the Yarrington Road interchange with I-35). Suitably scaled retail and commercial opportunities should be encouraged for the provision of goods and services to residents, to keep that portion of the population from having to make cross-region trips for provisions. Development should be directed towards unique, creative, and site-specific forms that will protect the natural landscapes and create a beneficial community for local residents, and low impact development practices should be encouraged. Although a broad range of uses could be manifested in this District, most of the uses are conditional, affording the City opportunity to enforce sustainable development practices.

ANALYSIS

The 57-acre site sits approximately 900-feet northwest of the intersection of W FM 150 and FM 2770. The site is near what is the existing northwest edge of the City of Kyle's corporate limits. Most of this area is low density, rural, single-family residential, serviced by septic tank facilities, with the occasional commercial facility. To the southeast is

higher density commercial and residential (Plum Creek), made possible due to wastewater availability.

The applicant for the 57-acre parcel is requesting a PUD (Planned Unit Development) zoning district. The PUD district will incorporate both the R-1-A and RS zoning districts. Both the R-1-A and RS zoning districts are only recommended conditionally in both the Mid-Town and Sensitive/Sustainable land use districts, as a majority of the uses existing/expected are single family residential. Therefore it would be expected that community design should condition the development patterns. Secondly, smaller scale retail can be considered, especially those uses servicing the surrounding residential uses. However, it needs to be designed in a manner to “mesh” with the adjacent residential land uses.

Per the City of Kyle’s PUD zoning requirements, greater attention is paid to the unified design of a project, and a mix of uses/zoning districts are encouraged. Concurrent variances are allowed, because they’re sometimes required to help transition types of land uses and design standards (for a unified result). These variances allowed upon City Council approval (See the “PUD Development Standards” document).

Currently, the site is zoned for 14.89-acres of RS zoning, and 41.5-acres of R-1-2 zoning. The applicant will be reducing the commercial portion to 3.294-acres (RS) and rezoning the remaining 54-acres to R-1-A.

Per the Comprehensive Plan, the site is in both the Mid-Town Community and Sensitive/Sustainable Development land use districts. The R-1-A and RS zoning districts are to be considered “conditionally” in each of these land use districts. This typically means that sufficient/adequate infrastructure must exist or be installed to be allowed. In the case of the proposed Kyle 57 PUD, a significant portion of the site is within the Sensitive/Sustainable Development district. This emphasizes and encourages unique, natural design for the project (yet the City of Kyle does not have “green building” requirements in the development code). Additionally, if any part of the property intersects with the Edward’s Aquifer recharge or contributing zone, the developer will be required to design the project to state code for water quality. Last, in an effort to properly review/protect existing resources on site, the City will require coordination between the developer and the State of Texas, relating to appropriate permits for a potential, pre-existing well site and any archeological remains.

Currently, wastewater is unavailable to the tract. However, an agreement exists between the Blanco River Ranch, this Kyle 57 project, Anthem Development, among

other entities. The agreement will help provide much needed water service improvements and wastewater availability to this portion of Kyle.



The attached “PUD Development Standards” document is a tool that allows flexibility for the project, primarily where the City of Kyle’s development code falls short or doesn’t consider certain aspects. The document is a collaboration between city staff and the developer, and as such is presented to improve upon the foundation of the City’s development code. With exception of the development standards, all requirements in the City of Kyle development code, must be implemented. Per Sec. 53-699, Sec. 53-703 and Sec. 53-704, concurrent variances are allowed if approved by Council.

Within the “PUD Development Standards” a significant portion of the modifications to the development code are related to building setbacks and garage placement. The City of Kyle’s residential code places emphasis on reducing homes that are dominated by garages (architecturally). The idea and requirement is to design homes that look like a house and not a garage with a front door attached to the side. Examples will include garages facing alleys, and forward-facing garages, but placed in the backyard.

The remainder of the modifications relate to subdivision code requirements (alley pavement width, parkland dedication & maintenance and timing of construction). Following approval of the zoning, standard subdivision review and approval processes will be followed. Additionally, the amenities of the project will be subject to the public hearing aspect as required in the Residential Style Guide.

PLANNING COMMISSION

At their regular voting meeting on January 12, 2021, the Planning Commission heard this application and held a Public Hearing to solicit comments from the public. At the Public Hearing, adjacent property owners submitted letters both in opposition, and in

the case of Mr. Greene, a letter that sought some refinements to the plans presented. Also, Mrs. Kate Johnson of the Hays County Historical Society spoke against the proposal. After the Public Hearing ended, there was brief conversation among the commissioners about the proposal, with some discussion about gross residential density, and the location of the project as it relates to the city's limits. Ultimately, the Commission voted 4-2 to **recommend approval** of the PUD, with Commissioner Voss and Chairperson Christie in dissent.

RECOMMENDATION

City staff has reviewed the application and believes the proposed PUD district is appropriate for the 57-acre site. City staff asks the Mayor & Council to **vote to approve** the zoning district, as presented.

Attachments

- Letter of Explanation
- Location map
- Surrounding Zoning Map
- Land Use Districts Map
- Conceptual Land Plan
- PUD Development Standards

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 57 ACRES OF LAND FROM SINGLE FAMILY RESIDENTIAL-2 'R-1-2' (42.3-ACRES) AND RETAIL SERVICE DISTRICT 'RS' (15-ACRES) TO PLANNED UNIT DEVELOPMENT 'PUD' (SINGLE FAMILY ATTACHED 'R-1-A', 54-ACRES) AND (RETAIL SERVICE DISTRICT 'RS', 3.3-ACRES) FOR PROPERTY LOCATED AT 1821 W. RR 150, IN HAYS COUNTY, TEXAS. (KYLE MORTGAGE INVESTORS, LLC – Z-20-0067); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, THAT:

SECTION 1. That the zoning district map of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended to rezone approximately 57 acres of land from Single Family Residential-2 'R-1-2' (42.3-acres) and Retail Service District 'RS' (15-acres) to Planned Unit Development PUD' (Single Family Attached 'R-1-A', 54-acres) and (Retail Service District 'RS', 3.3-acres), as shown on the property location map labeled Exhibit B.

SECTION 2. That the City Secretary is hereby authorized and directed to designate the tract of land zoned herein as such on the zoning district map of the City of Kyle and by proper endorsement indicate the authority for said notation.

SECTION 3. If any provision, section, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this Ordinance or the application to such other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of Kyle in adopting this Ordinance, that no portion hereof or provision contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion or provision.

SECTION 4. This Ordinance shall be published according to law and shall be and remain in full force and effect from and after the date of publication.

SECTION 5. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Kyle at a regular meeting on the _____ day of _____, 2021, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Kyle at a regular meeting on the _____ day of _____, 2021, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

APPROVED this _____ day of _____, 2021.

Travis Mitchell, Mayor

ATTEST:

Jennifer Holm, City Secretary

57.260 Acres
Samuel Pharrass Sur, A-360
Kyle, Hays County, Texas

EXHIBIT A

LAI Job No 020607
FN0573R1(wdo)
Page 1 of 4

FIELD NOTES DESCRIPTION

DESCRIPTION OF 57.260 ACRES OF LAND IN THE SAMUEL PHARRASS SURVEY, A-360, HAYS COUNTY, TEXAS; BEING A PORTION OF THAT CERTAIN CALLED 62.10 ACRE TRACT DESCRIBED IN THE DEED DATED SEPTEMBER 2, 2003 FROM MIKE GOSSETT, SPECIAL ADMINISTRATOR OF THE ESTATE OF AUGUST HESSLER, JR. TO S.T. KYLE, LTD, OF RECORD IN VOLUME 2305, PAGE 674, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SAID 62.10 ACRE TRACT BEING A PORTION OF THAT CERTAIN CALLED 79.5 ACRE TRACT OF LAND DESCRIBED IN A DEED FILED FOR RECORD JUNE 19, 1914 FROM MRS. LEOMA STEPHENSON NEE COCKREHAM, ET AL TO AUGUST HESSLER OF RECORD IN VOLUME 66, PAGE 129, DEED RECORDS OF HAYS COUNTY, TEXAS; SAID 57.260 ACRE TRACT OF LAND, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a Texas Department of Transportation (TxDOT) Type I concrete right-of-way monument found in the southeast right-of-way line of FM Highway No. 150, same being the northwest line of Lot 53, Quail Meadows Subdivision, a subdivision of record in Cabinet/Volume 7, Page 47, Plat Records of Hays County, Texas, said monument being 40-feet left of Engineer's centerline station 320+02.6;

THENCE S 46° 07' 22" E, with the southeast right-of-way line of said F.M. Highway No. 150, same being the northwest line of said Lots 53 and 52, said Quail Meadow Subdivision, a distance of 115.15 feet to an iron rod with aluminum cap stamped "PRO-TECH" found for the north corner and POINT OF BEGINNING of the tract described herein, same being the north corner of said 62.10 acre tract, being in the western line of said 79.5 acre tract, being the southwestern corner of that certain 2.16 acre tract of land described in the Right-of-Way Deed filed for record February 22, 1952 from Gus Hessler to the State of Texas recorded in Volume 152, Page 236, Deed Records of Hays County, Texas, and being in the approximate common line of the said Samuel Pharrass Survey and the Caleb W. Baker Survey;

THENCE, continuing with the southern right-of-way line of said F.M. Highway No. 150, same being the southern line of said 2.16 acre tract, being the northern line of said 62.10 acre tract, and the northern line of the tract described herein, the following two (2) courses and distances:

1. S 46° 07' 11" E a distance of 1,415.29 feet to a TxDOT Type I concrete right-of-way monument found at a point of curvature being 40-ft right of Engineer's centerline station 335+33.1, and
2. with the arc of a curve to the left, having a radius of 5,769.65 feet, an arc distance of 95.69 feet and a chord bearing S 46° 34' 52" E a distance of 95.68 feet to a 1/2-inch iron rod with plastic cap stamped "LAT" set for the most northern east corner of the tract described herein, same being the north corner of a 4.847 acre tract remaining from said 62.10 acre tract, from which a TxDOT Type I concrete right-of-way monument found bears with the arc of said curve to the left, having a radius of 5,769.65 feet, an arc distance of 258.58 feet and a chord bearing S 48° 20' 25" E a distance of 258.56 feet

EXHIBIT A

57.260 Acres
Samuel Pharras Sur., A-360
Kyle, Hays County, Texas

LAI Job No. 020607
FN0573R1(wdo)
Page 2 of 4

THENCE S 43° 40' 14" W, leaving the southern right-of-way line of said F.M. Highway No. 150 and crossing said 62.10 acre tract with the north line of said 4.847 acre remainder tract, a distance of 425.24 feet to a ½-inch iron rod with plastic cap stamped "LAI" set for a re-entrant corner of the tract described herein, same the being west corner of said 4.847 acre tract;

THENCE S 46° 19' 46" E, continuing across said 62.10 acre tract with the south line of said 4.847 acre tract, a distance of 516.17 feet to a ½-inch iron rod with plastic cap stamped "LAI" set in the southeast line of said 62.10 acre tract, same being the northwest line of that certain 10.00 acre tract called "Exhibit A" vested into Robert C. Edge and described in the Amended Final Decree Confirming Commissioners' Report and Partitioning Property dated November 14, 2001, being Cause No. 7405 in the Probate Court of Hays County, Texas and filed for record in Volume 2305, Page 645, Official Public Records of Hays County, Texas, for the south corner of said 4.847 acre tract and being the most southern east corner of the tract described herein, from which a ½-inch iron rod found in the southern right-of-way line of said F.M. Highway No. 150 for the east corner of said 62.10 acre tract, same being the north corner of said 10.00 acre tract bears N 35° 58' 25" E a distance of 449.80 feet;

THENCE S 35° 58' 25" W, with the eastern line of said 62.10 acre tract, same being the western line of said 10.00 acre tract, a distance of 507.33 feet to a fence corner post found for an angle point in the eastern line of said 62.10 acre tract and of the tract described herein, same being the west corner of said 10.00 acre tract and being the north corner of that certain called 2.62 acre tract described in a deed dated August 19, 1971, from Gus Hessler, Jr., and Edwards Hessler to Alton E. Franke and Deanna K. Franke of record in Volume 243, Page 347, Deed Records of Hays County, Texas;

THENCE S 52° 54' 07" W, with the eastern line of said 62.10 acre tract, same being the western line of said 2.62 acre tract, a distance of 402.46 feet to a fence corner post found for the south corner of said 62.10 acre tract and of the tract described herein, same being the west corner of said 2.62 acre tract, and being in the north line of a called 1,938.67 acre tract described in the deed dated August 1, 1960, from A.W. Gregg and wife Robie Gregg, to Ky-Tex Properties, Inc. of record in Volume 185, Page 391, Deed Records of Hays County, Texas;

THENCE with the fenced southwest line of said 62.10 acre tract, same being the northeast line of said 1,938.67 acre tract, the following six (6) courses and distances:

1. N 45° 45' 15" W a distance of 134.06 feet to a fence post found for an angle point,
2. N 46° 24' 58" W a distance of 710.71 feet to a 10-in live oak tree for an angle point,
3. N 47° 04' 36" W a distance of 179.70 feet to a fence post found for an angle point,
4. N 47° 09' 23" W a distance of 126.39 feet to a fence post found for an angle point,
5. N 46° 10' 02" W a distance of 430.76 feet to a fence post found for an angle point, and
6. N 45° 58' 42" W a distance of 436.29 feet to a ½-inch iron rod found near a fence corner post at the western base of an old rock wall for the west corner of said 62.10 acre tract and of the tract described herein, same being the south corner of Lots 35 and 36, said Quail Meadows Subdivision;

H:\Survey\FieldNotes\FN-0500\FN0573R1(wdo).doc

EXHIBIT A

57.260 Acres
Surrend Pharras Sur., A-36D
Kyle, Hays County, Texas

LAI Job No. 020607
FN0573R1(wdo)
Page 3 of 4

THENCE with the western line of said 62.10 acre tract and of the tract described herein, same being the southeastern line of said Quail Meadows Subdivision, said line marked by an old fence, the following three (3) courses and distances:

1. N 43° 14' 24" E a distance of 609.84 feet to a fence post found for an angle point,
2. N 42° 48' 32" E a distance of 252.56 feet to a fence post found for an angle point, and
3. N 43° 08' 51" E a distance of 467.67 feet to the POINT OF BEGINNING and containing 57.260 acres of land, more or less.

BEARING BASIS: Texas Coordinate System, NAD 83, South Central Zone, Grid.

LAI WORD FILE: FN0573R1 (wdo)

THE STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS

That I, William D. O'Hara, a Registered Professional Land Surveyor, do hereby certify that the above description and the accompanying sketch is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during the months of June and July 2002, and March 2005, under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas on this 7th of April 2005 A.D.

Locomis Austin, Inc.
Austin, Texas 78746



William D. O'Hara
 William D. O'Hara
 Registered Professional Land Surveyor
 No. 4878, State of Texas

EXHIBIT A

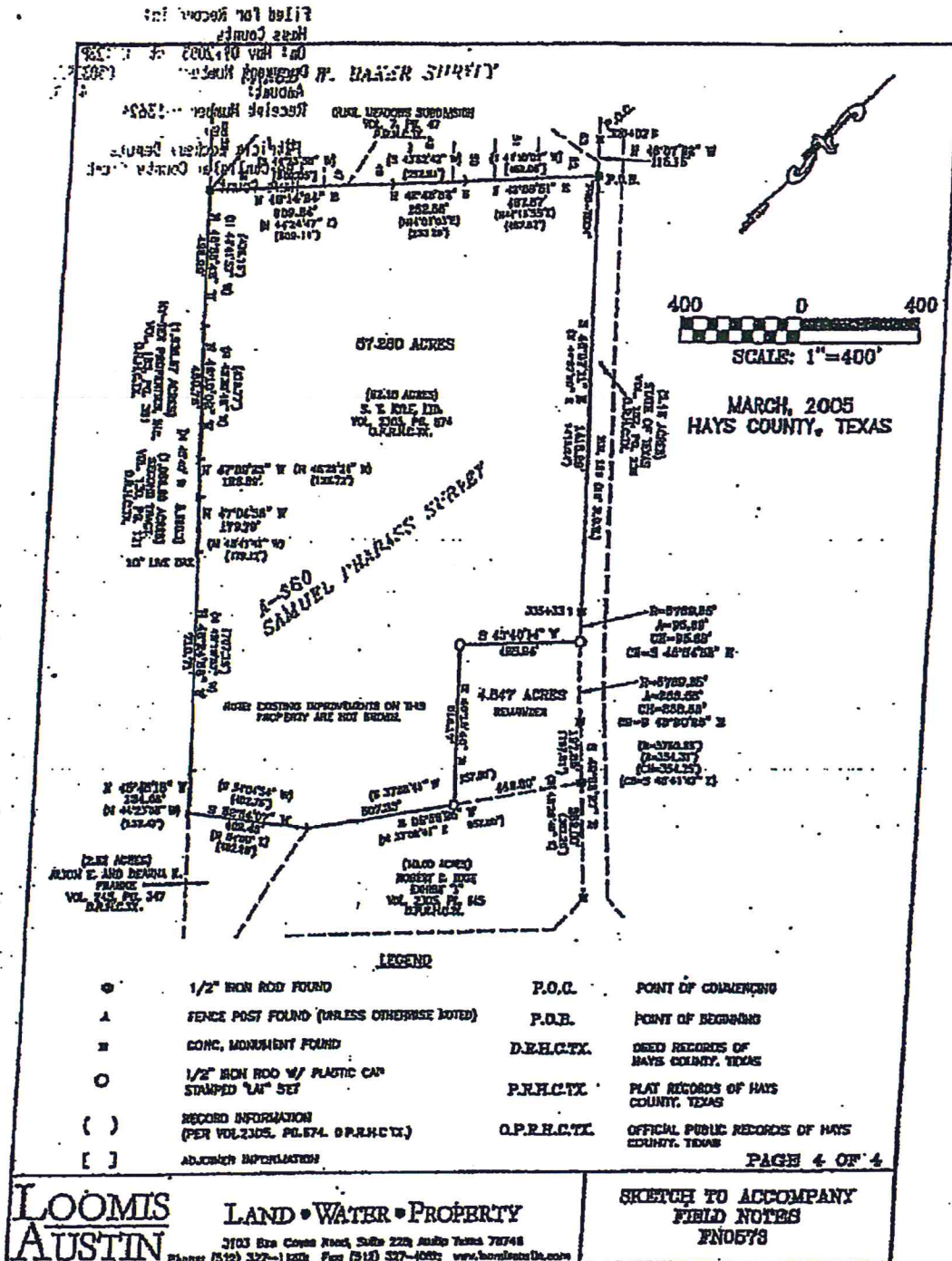


Exhibit B

Z-20-0067

1915 W RR 150

57.294 Acres

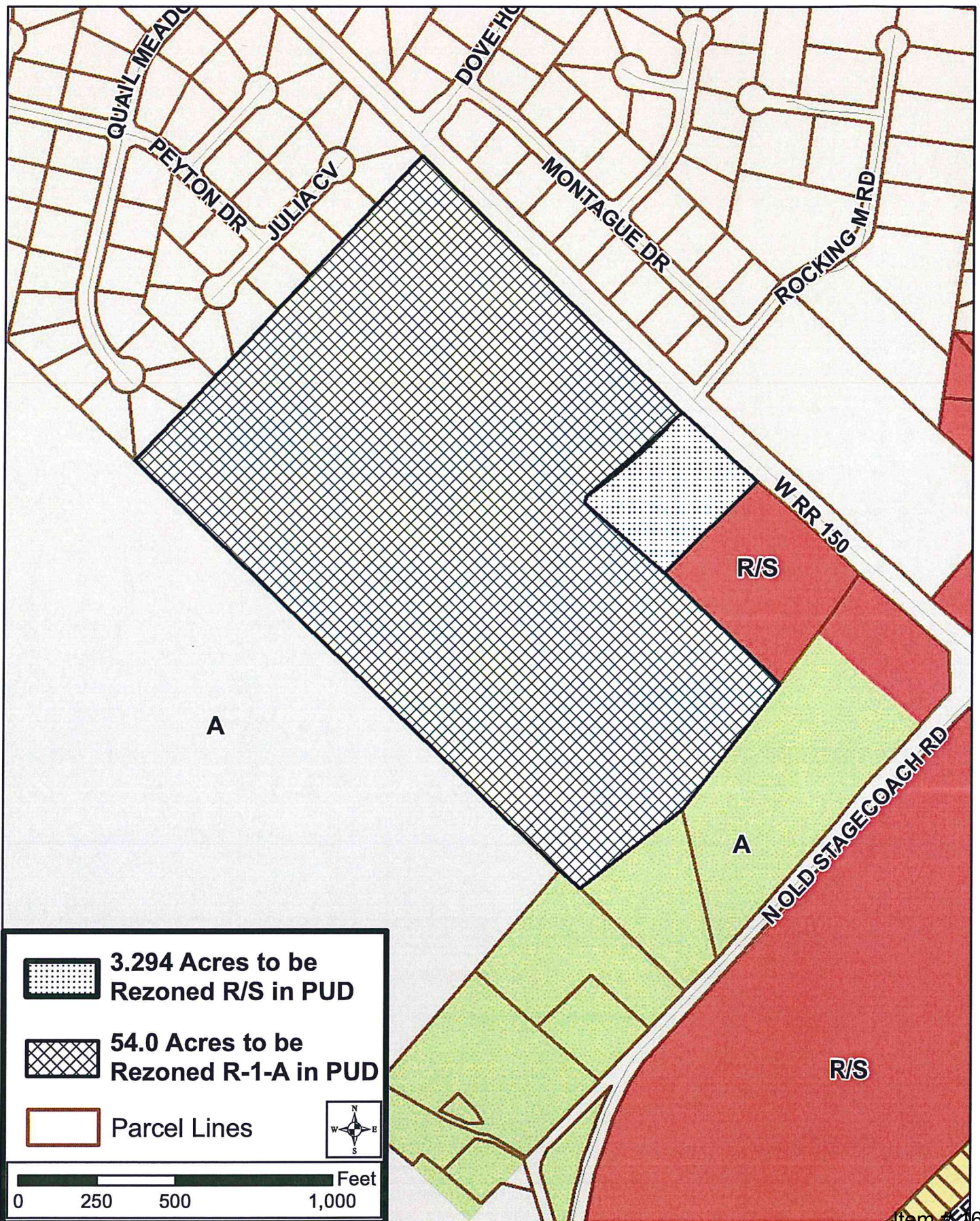


Exhibit C

PUD Standards

Kyle 57 PUD Development Standards

Section 1. General Provisions

- (A) **Project Described.** Kyle 57 PUD shall include compatible residential and commercial uses as more particularly depicted on **Exhibit B** (the “Concept Plan”). The Property shall be development as a single family residential community with over 11 acres of open space, trail system and public park that includes a pool and amenity site. Commercial endeavors will serve and provide convenience to the residential tract and general public. The remainder will be necessary infrastructure and right of way.
- (B) **Project Enhancements.** The Developer will provide the following improvements within the project:
 - (1) Entry improvements including an entry monument constructed from durable materials such as concrete, metal, and masonry, with lighting and landscaping, a landscaped median, a landscaped roundabout, and street trees.
 - (2) A landscaped frontage along FM 150 including a fence constructed from masonry or concrete, trees, and other landscaping.
 - (3) Landscape improvements in common areas throughout the community including trails, open lawns, natural areas, seating areas, playscape and a dog park.
 - (4) A private amenity site including a swimming pool and restrooms.
 - (5) All landscape improvements will include permanent irrigation.
- (C) **Applicability.** Development of and uses within the Kyle 57 PUD shall conform to the limitations and conditions set forth herein. If the regulations of the Kyle 57 PUD and the attached exhibits conflict with the City Code, the regulations set forth herein shall control. Except as otherwise specifically modified by the Kyle 57 PUD, all other rules, regulations, and ordinances of the City in effect at the time of permit application apply to development within the Kyle 57 PUD.

Section 2. Residential Tract

- (A) The use and development of the Residential Tract, as more particularly depicted on Concept Plan, shall be subject to the use and development standards of Single-Family Attached District ‘R-1-A’ as the base zoning district, except as modified below.
 - (1) Detached single-family structures are permitted.
 - (2) The maximum density shall be 4.7 dwelling units per buildable acre. Notwithstanding anything in the Kyle City Code to contrary, which is hereby modified to the extent of any conflict, as used herein, the term “buildable acre” is defined as each acre within the Residential Tract save and except for (i) 1.07 acres that are encumbered by utility easements existing on the date of this ordinance, and (ii) 2.9 acres of parkland which would have otherwise been required under the Kyle City Code. The total amount of “buildable acres” in the Residential Tract is 50.03 acres for the purposes of determining the maximum density allowed within the Residential Tract.

- (3) The minimum living space per residential unit shall be fourteen hundred (1,400) square feet. For lots located within the Kyle 57 PUD behind Lots 36 and 37 of the Quail Meadows Subdivision, recorded as Volume 7, Page 47 in the Hays County Plat Records, and behind to the property located at 1501 North Old Stagecoach Road, Kyle, Texas (“Neighboring Tracts”), the residential dwelling unit shall be restricted to a one-story residence.
 - (4) The minimum residential lot width as measured at the front yard setback shall be forty feet (40’) and the minimum lot size shall be four thousand four hundred (4,400) square feet. For lots located within the Kyle 57 PUD behind the Neighboring Tracts, the minimum residential lot width shall be sixty (60) feet.
 - (5) A minimum of ten percent (10%) of the residential lots with detached single-family structures shall be at least sixty feet (60’) wide as measured at the front yard setback.
 - (6) A minimum of twenty percent (20%) of the residential lots with detached single-family structures shall be between fifty feet (50’) and sixty feet (60’) wide as measured at the front yard setback.
 - (7) The minimum front setback for lots under sixty feet (60’) wide shall be ten feet (10’) and municipal utility easements located on front lot lines shall be a minimum of ten feet (10’) wide.
 - (8) The minimum front setback for lots sixty feet (60’) wide or greater shall be twenty feet (20’).
 - (9) The minimum side setback for lots under sixty feet (60’) wide with detached single-family structures shall be five feet (5’) and municipal utility easements located on side lot lines shall be a minimum of five feet (5’) wide.
 - (10) The minimum rear setback for residential lots with front-loaded detached garages shall be five feet (5’). The minimum rear setback for all other residential lots shall be ten feet (10’). For lots located within the Kyle 57 PUD behind the Neighboring Tracts, the minimum rear setback shall be fifteen (15) feet.
 - (11) The minimum side setback for detached garages constructed on residential lots shall be zero feet (0’). Municipal utility easements shall not be required on side lot lines for lots on which a detached rear garage will be constructed. Detached single-family living structures must comply with Section 2(A)(7) above.
 - (12) The minimum size of garages shall be four hundred (400) square feet. No additional on-site storage (attached to house or detached) shall be required.
 - (13) The overhang of an eave of a residential building is permitted to encroach within the setbacks and municipal utility easements.
 - (14) The minimum parking required for each residential dwelling unit is two (2) spaces. No additional spaces shall be required for dwelling units with more than two bedrooms.
- (B) The same house plan may be built on every other detached single-family residential lot on either side of the street so long as the house is differentiated by elevation, material and colors. An elevation may only be used once per five (5) consecutive houses.

Developer shall be responsible for tracking and ensuring the arrangement of house plans comply, and in the event the house plan configuration is not in compliance, Developer will be solely responsible for any changes necessary to achieve compliance.

- (C) Residential lots may be accessed from (1) a public right of way or (2) by an alley only. Blocks with lots that are accessed only by an alley shall contain no more than forty (40) such lots on a single block face and shall be of such configuration that no portion of any building on any such lot will be more than one thousand fifty (1,050) feet from the right-of-way of an internal street to which the alley is connected.
- (D) Lots under sixty feet (60') wide shall have either:
 - (1) Rear-loaded garages with access from a shared alley,
 - (2) Detached rear garages with access from a fourteen foot (14') wide shared-use driveway, measured from edge of pavement to edge of pavement, on alternating lot lines, or
 - (3) Side access if on a corner lot.
- (E) Detached rear garages may be built with a shared wall, so long as it is built to a two-hour fire rating standard.

Section 3. Commercial Tract

The use and development of the Commercial Tract, as more particularly depicted on the Concept Plan, shall be subject to the use and development standards of Retail and Services District 'RS' as the base zoning district.

Section 4. Parkland and Open Space

- (A) Owner shall develop a privately maintained public open space and trail system to be dedicated to the City ("Public Parkland"). Open space less than five (5) contiguous acres may be dedicated to the City without a variance. The Public Parkland shall be maintained by a property owners' association.
- (B) The Public Parkland is an eligible improvement under a Public Improvement District.

Section 5. Subdivision Infrastructure

- (A) The maximum number of living units equivalent (LUEs) for the Residential and Commercial Tracts is two hundred and fifty (250) LUEs.
- (B) Except as otherwise provided below for the Kyle 57 PUD, all streets, roads, sidewalks, drainage, water, and wastewater lines and facilities and all other infrastructure within the Property (the "Subdivision Infrastructure") will be constructed by Owner to meet City Code.
- (C) The width of the alley right of way shall be twenty feet (20'). The minimum pavement width for alleys, measured from edge of pavement to edge of pavement, shall be sixteen feet (16').
- (D) The City shall coordinate with adjacent landowners to ensure that internal streets that are designed to access adjacent properties are connected in a manner that creates a safe and City Code compliant street network.

- (E) The City shall accept completed Subdivision Infrastructure for ownership, operation, and maintenance in compliance with City Code. The City shall not unreasonably deny, delay, or condition its acceptance of the Subdivision Infrastructure.

Section 6. Landscaping

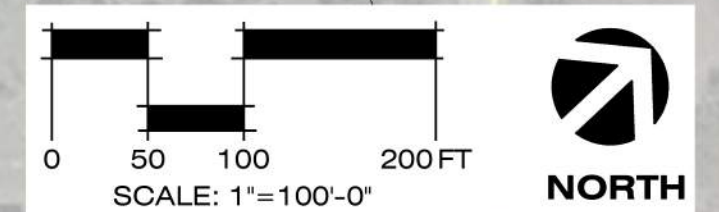
- (A) Except as provided herein, all entry collector and internal streets will be planted with street trees at an average spacing of fifty feet (50') on center.
 - (1) Street trees will not be required in locations in which they would conflict with the canopies of existing shade trees. Street trees shall have a minimum three-inch (3") caliper, measured six inches (6") above the root ball.
 - (2) In order to maximize the preservation of existing trees and to allow for the creation of a more natural, park-like environment along Parkway Street, as depicted on the Concept Plan, the placing of street trees shall not be required along Parkway Street. No formal street design for tree placement will be required and street trees may be planted along Parkway Street to supplement existing trees as the Developer deems appropriate.
- (B) Street trees planted on or immediately adjacent to a residential lot shall also count toward the minimum (2) trees required for that lot under Section 54-5 of the City Code. Any other street trees required pursuant to this section of the Kyle 57 PUD shall also count fully as replacement trees under Section 54-12 of the City Code. Under no circumstance shall any provision of this Section reduce the total number of trees that would otherwise be required under Sections 54-5 and 54-12 of the City Code. The street tree requirement continues to apply even after all other requirements of Section 54-5 and 54-12 of the City Code have been satisfied.
- (C) A fence shall be constructed along the property line of the Kyle 57 PUD adjacent to the Neighboring Tracts. The fence will be six (6) feet in height and constructed with wrought iron, horizontal wood frame with cattle panel, or something comparable in height and building standards.

Section 7. Permits and Approvals

- (A) Mass grading of the Property may begin before final approval of the plats is received from the City.
- (B) Development of the Residential Tract shall utilize the City's process which allows for vertical construction to commence once asphalt for street improvements is poured and properly cured and before formal acceptance is received.
- (C) Construction of model homes may commence before water and wastewater infrastructure is formally accepted by the City. However, in no event shall the model homes be connected to City water and wastewater facilities before the infrastructure is properly constructed and fully functional.
- (D) Development of the Residential Tract shall utilize the City's alternative process for review and approval of required development permit applications which allows development permit applications to run concurrently.

LEGEND:

- 40' LOTS - ALLEY LOAD
- 55' LOTS - REAR GARAGE
- 60' LOTS - FRONT GARAGE
- COMMERCIAL
- OPEN SPACE
- AMENITY SITE



January 27, 2021

Howard J. Koontz, Director
Planning Department
100 W. Center Street
Kyle, Texas 78640

via online submittal

RE: Zoning Request – Modifications to the Proposed Kyle 57 PUD Standards

Dear Mr. Koontz:

As you are aware, on January 19, 2021, the City Council approved the Kyle 57 PUD zoning, on first reading only, with certain conditions. Those conditions are modifications to the proposed planned unit development (“PUD”) standards that address density, size of dwelling units, and certain restrictions negotiated with the owners of neighboring tracts.

Please find enclosed our suggested edits to the PUD standards pursuant to Council direction. The official motion from Council requested (1) a 1400 square foot minimum for dwelling units, (2) maximum density of 4.7 dwelling units per acre (based on clarification read into the record), and (3) negotiated restrictions provided in the letter from Matt Greene related to fencing. However, in reviewing the Council proceedings, our interpretation is that the Council intended to also include restrictions related to rear setback and single story construction adjacent to the neighboring tract owned by Mr. Greene, and to apply those same restrictions to land within the Kyle 57 PUD adjacent to the property owned by Alton Franke, located at 1501 North Old Stagecoach Road, Kyle, Texas.

We appreciate your time and assistance with this matter. If you have any questions or comments, please do not hesitate to contact me at 512-328-2008.

Sincerely,



Jeffrey S. Howard
McLean & Howard

November 18, 2020

Howard J. Koontz, Director
Planning Department
100 W. Center Street
Kyle, Texas 78640

via online submittal

RE: Zoning Request – Kyle 57 PUD

Dear Mr. Koontz:

As agent for Kyle Mortgage Investors, LLC (the “Applicant”), owner of approximately 57.29 acres of land, more or less, located at West FM 150 and Old Stagecoach Road, Hays County, Texas (the “Property”), we are hereby submitting an application to request a zoning change. The Owner intends to develop the Property as a mixed use project consisting of single-family residential, open space and trails, and commercial uses (the “Project”).

To successfully construct this unique and harmonious Project, greater flexibility is required than would be permitted under the standard zoning categories. Therefore, pursuant to the Chapter 53, Article III, Division 2 of the City of Kyle (the “City”) Code of Ordinances (the “Code”), the Owner requests that the zoning for the property be changed from Single-Family Residential 2 District ‘R-1-2’ and Retail and Services District ‘RS’ to Planned Unit Development ‘PUD’, to be known as the “Kyle 57 PUD”. Development within the Kyle 57 PUD shall be subject to the use and development regulations attached to this letter.

We look forward to working with the City and all applicable stakeholders on this zoning case. If you have any questions or comments, please do not hesitate to contact me at 512-328-2008.

Sincerely,



Jeffrey S. Howard
McLean & Howard

Kyle 57 PUD Development Standards

Section 1. General Provisions

- (A) **Project Described.** Kyle 57 PUD shall include compatible residential and commercial uses as more particularly depicted on **Exhibit B** (the “Concept Plan”). The Property shall be development as a single family residential community with over 11 acres of open space, trail system and public park that includes a pool and amenity site. Commercial endeavors will serve and provide convenience to the residential tract and general public. The remainder will be necessary infrastructure and right of way.
- (B) **Project Enhancements.** The Developer will provide the following improvements within the project:
 - (1) Entry improvements including an entry monument constructed from durable materials such as concrete, metal, and masonry, with lighting and landscaping, a landscaped median, a landscaped roundabout, and street trees.
 - (2) A landscaped frontage along FM 150 including a fence constructed from masonry or concrete, trees, and other landscaping.
 - (3) Landscape improvements in common areas throughout the community including trails, open lawns, natural areas, seating areas, playscape and a dog park.
 - (4) A private amenity site including a swimming pool and restrooms.
 - (5) All landscape improvements will include permanent irrigation.
- (C) **Applicability.** Development of and uses within the Kyle 57 PUD shall conform to the limitations and conditions set forth herein. If the regulations of the Kyle 57 PUD and the attached exhibits conflict with the City Code, the regulations set forth herein shall control. Except as otherwise specifically modified by the Kyle 57 PUD, all other rules, regulations, and ordinances of the City in effect at the time of permit application apply to development within the Kyle 57 PUD.

Section 2. Residential Tract

- (A) The use and development of the Residential Tract, as more particularly depicted on Concept Plan, shall be subject to the use and development standards of Single-Family Attached District ‘R-1-A’ as the base zoning district, except as modified below.
 - (1) Detached single-family structures are permitted.
 - (2) The minimum residential lot width as measured at the front yard setback shall be forty feet (40’) and the minimum lot size shall be four thousand four hundred (4,400) square feet.
 - (3) A minimum of ten percent (10%) of the residential lots with detached single-family structures shall be at least sixty feet (60’) wide as measured at the front yard setback.
 - (4) A minimum of twenty percent (20%) of the residential lots with detached single-family structures shall be between fifty feet (50’) and sixty feet (60’) wide as measured at the front yard setback.

- (5) The minimum front setback for lots under sixty feet (60') wide shall be ten feet (10') and municipal utility easements located on front lot lines shall be a minimum of ten feet (10') wide.
 - (6) The minimum front setback for lots sixty feet (60') wide or greater shall be twenty feet (20').
 - (7) The minimum side setback for lots under sixty feet (60') wide with detached single-family structures shall be five feet (5') and municipal utility easements located on side lot lines shall be a minimum of five feet (5') wide.
 - (8) The minimum rear setback for residential lots with front-loaded detached garages shall be five feet (5'). The minimum rear setback for all other residential lots shall be ten feet (10').
 - (9) The minimum side setback for detached garages constructed on residential lots shall be zero feet (0'). Municipal utility easements shall not be required on side lot lines for lots on which a detached rear garage will be constructed. Detached single-family living structures must comply with Section 2(A)(7) above.
 - (10) The minimum size of garages shall be four hundred (400) square feet. No additional on-site storage (attached to house or detached) shall be required.
 - (11) The overhang of an eave of a residential building is permitted to encroach within the setbacks and municipal utility easements.
 - (12) The minimum parking required for each residential dwelling unit is two (2) spaces. No additional spaces shall be required for dwelling units with more than two bedrooms.
- (B) The same house plan may be built on every other detached single-family residential lot on either side of the street so long as the house is differentiated by elevation, material and colors. An elevation may only be used once per five (5) consecutive houses. Developer shall be responsible for tracking and ensuring the arrangement of house plans comply, and in the event the house plan configuration is not in compliance, Developer will be solely responsible for any changes necessary to achieve compliance.
- (C) Residential lots may be accessed from (1) a public right of way or (2) by an alley only. Blocks with lots that are accessed only by an alley shall contain no more than forty (40) such lots on a single block face and shall be of such configuration that no portion of any building on any such lot will be more than one thousand fifty (1,050) feet from the right-of-way of an internal street to which the alley is connected.
- (D) Lots under sixty feet (60') wide shall have either:
- (1) Rear-loaded garages with access from a shared alley,
 - (2) Detached rear garages with access from a fourteen foot (14') wide shared-use driveway, measured from edge of pavement to edge of pavement, on alternating lot lines, or
 - (3) Side access if on a corner lot.

- (E) Detached rear garages may be built with a shared wall, so long as it is built to a two-hour fire rating standard.

Section 3. Commercial Tract

The use and development of the Commercial Tract, as more particularly depicted on the Concept Plan, shall be subject to the use and development standards of Retail and Services District ‘RS’ as the base zoning district.

Section 4. Parkland and Open Space

- (A) Owner shall develop a privately maintained public open space and trail system to be dedicated to the City (“Public Parkland”). Open space less than five (5) contiguous acres may be dedicated to the City without a variance. The Public Parkland shall be maintained by a property owners’ association.
- (B) The Public Parkland is an eligible improvement under a Public Improvement District.

Section 5. Subdivision Infrastructure

- (A) The maximum number of living units equivalent (LUEs) for the Residential and Commercial Tracts is two hundred and fifty (250) LUEs.
- (B) Except as otherwise provided below for the Kyle 57 PUD, all streets, roads, sidewalks, drainage, water, and wastewater lines and facilities and all other infrastructure within the Property (the “Subdivision Infrastructure”) will be constructed by Owner to meet City Code.
- (C) The width of the alley right of way shall be twenty feet (20’). The minimum pavement width for alleys, measured from edge of pavement to edge of pavement, shall be sixteen feet (16’).
- (D) The City shall coordinate with adjacent landowners to ensure that internal streets that are designed to access adjacent properties are connected in a manner that creates a safe and City Code compliant street network.
- (E) The City shall accept completed Subdivision Infrastructure for ownership, operation, and maintenance in compliance with City Code. The City shall not unreasonably deny, delay, or condition its acceptance of the Subdivision Infrastructure.

Section 6. Landscaping

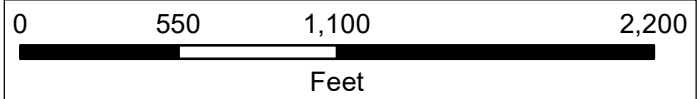
- (A) Except as provided herein, all entry collector and internal streets will be planted with street trees at an average spacing of fifty feet (50’) on center.
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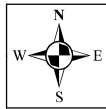
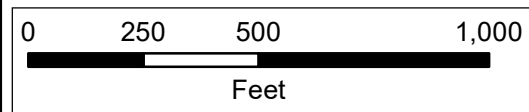
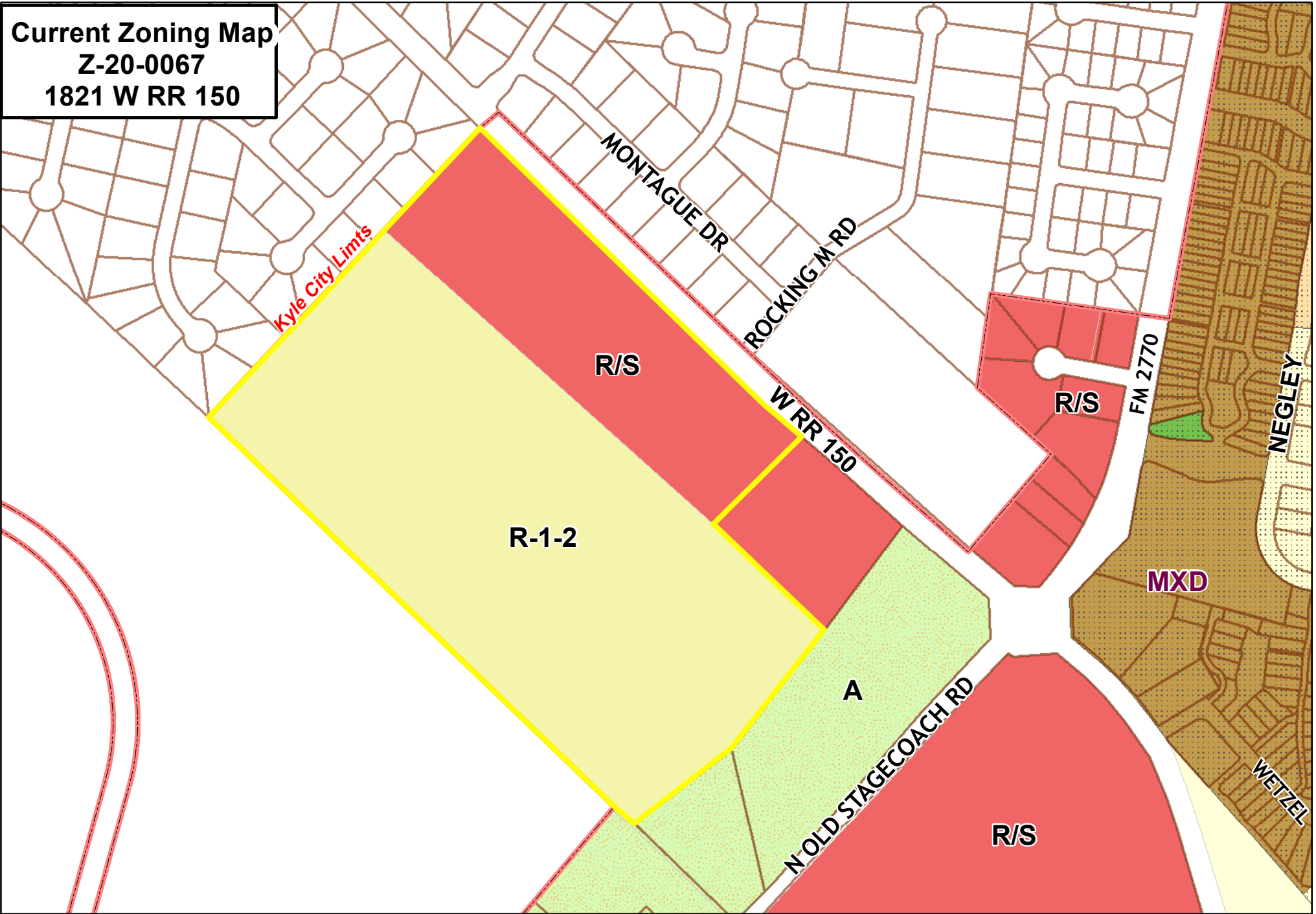
Project Location Map
Z-20-0067
57.3 Acres
1821 W RR 150



 Property Location
Item # 16

 Parcel Lines

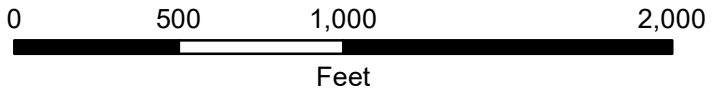
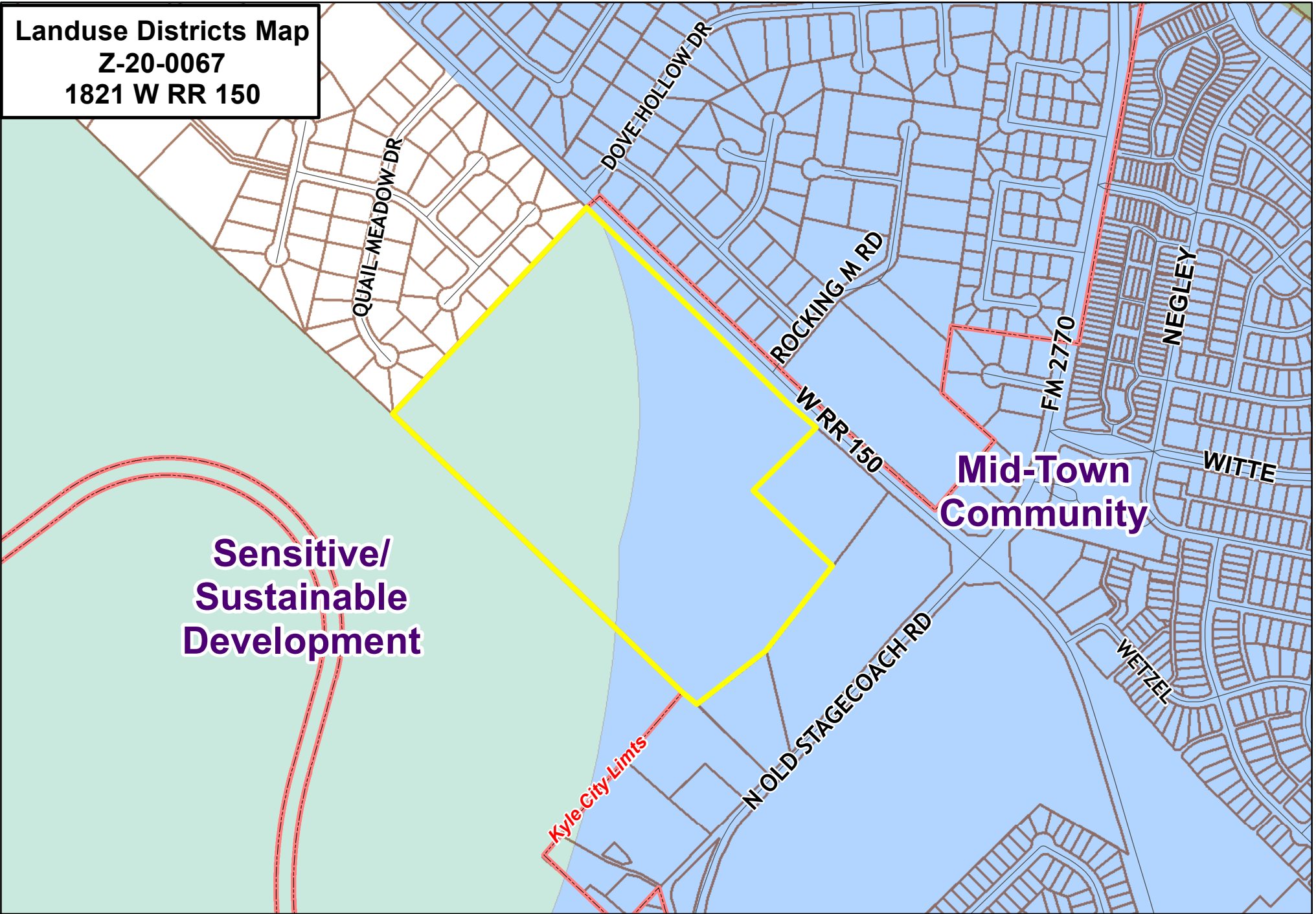
Current Zoning Map
Z-20-0067
1821 W RR 150



 Property Location
Item # 16

 Parcel Lines

Landuse Districts Map
Z-20-0067
1821 W RR 150

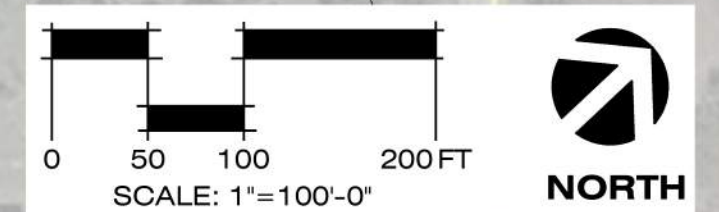


 Property Location
Item # 16

 Parcel Lines

LEGEND:

- 40' LOTS - ALLEY LOAD
- 55' LOTS - REAR GARAGE
- 60' LOTS - FRONT GARAGE
- COMMERCIAL
- OPEN SPACE
- AMENITY SITE



Kyle 57 PUD Development Standards

Section 1. General Provisions

- (A) **Project Described.** Kyle 57 PUD shall include compatible residential and commercial uses as more particularly depicted on **Exhibit B** (the “Concept Plan”). The Property shall be development as a single family residential community with over 11 acres of open space, trail system and public park that includes a pool and amenity site. Commercial endeavors will serve and provide convenience to the residential tract and general public. The remainder will be necessary infrastructure and right of way.
- (B) **Project Enhancements.** The Developer will provide the following improvements within the project:
- (1) Entry improvements including an entry monument constructed from durable materials such as concrete, metal, and masonry, with lighting and landscaping, a landscaped median, a landscaped roundabout, and street trees.
 - (2) A landscaped frontage along FM 150 including a fence constructed from masonry or concrete, trees, and other landscaping.
 - (3) Landscape improvements in common areas throughout the community including trails, open lawns, natural areas, seating areas, playscape and a dog park.
 - (4) A private amenity site including a swimming pool and restrooms.
 - (5) All landscape improvements will include permanent irrigation.
- (C) **Applicability.** Development of and uses within the Kyle 57 PUD shall conform to the limitations and conditions set forth herein. If the regulations of the Kyle 57 PUD and the attached exhibits conflict with the City Code, the regulations set forth herein shall control. Except as otherwise specifically modified by the Kyle 57 PUD, all other rules, regulations, and ordinances of the City in effect at the time of permit application apply to development within the Kyle 57 PUD.

Section 2. Residential Tract

- (A) The use and development of the Residential Tract, as more particularly depicted on Concept Plan, shall be subject to the use and development standards of Single-Family Attached District ‘R-1-A’ as the base zoning district, except as modified below.
- (1) Detached single-family structures are permitted.
 - (2) The maximum density shall be 4.7 dwelling units per buildable acre. Notwithstanding anything in the Kyle City Code to contrary, which is hereby modified to the extent of any conflict, as used herein, the term “buildable acre” is defined as each acre within the Residential Tract save and except for (i) 1.07 acres that are encumbered by utility easements existing on the date of this ordinance, and (ii) 2.9 acres of parkland which would have otherwise been required under the Kyle City Code. The total amount of “buildable acres” in the Residential Tract is 50.03 acres for the purposes of determining the maximum density allowed within the Residential Tract.

- (3) The minimum living space per residential unit shall be fourteen hundred (1,400) square feet. For lots located within the Kyle 57 PUD behind Lots 36 and 37 of the Quail Meadows Subdivision, recorded as Volume 7, Page 47 in the Hays County Plat Records, and behind to the property located at 1501 North Old Stagecoach Road, Kyle, Texas (“Neighboring Tracts”), the residential dwelling unit shall be restricted to a one-story residence.
- ~~(2)~~(4) The minimum residential lot width as measured at the front yard setback shall be forty feet (40’) and the minimum lot size shall be four thousand four hundred (4,400) square feet. For lots located within the Kyle 57 PUD behind the Neighboring Tracts, the minimum residential lot width shall be sixty (60) feet.
- ~~(3)~~(5) A minimum of ten percent (10%) of the residential lots with detached single-family structures shall be at least sixty feet (60’) wide as measured at the front yard setback.
- ~~(4)~~(6) A minimum of twenty percent (20%) of the residential lots with detached single-family structures shall be between fifty feet (50’) and sixty feet (60’) wide as measured at the front yard setback.
- ~~(5)~~(7) The minimum front setback for lots under sixty feet (60’) wide shall be ten feet (10’) and municipal utility easements located on front lot lines shall be a minimum of ten feet (10’) wide.
- ~~(6)~~(8) The minimum front setback for lots sixty feet (60’) wide or greater shall be twenty feet (20’).
- ~~(7)~~(9) The minimum side setback for lots under sixty feet (60’) wide with detached single-family structures shall be five feet (5’) and municipal utility easements located on side lot lines shall be a minimum of five feet (5’) wide.
- ~~(8)~~(10) The minimum rear setback for residential lots with front-loaded detached garages shall be five feet (5’). The minimum rear setback for all other residential lots shall be ten feet (10’). For lots located within the Kyle 57 PUD behind the Neighboring Tracts, the minimum rear setback shall be fifteen (15) feet.
- ~~(9)~~(11) The minimum side setback for detached garages constructed on residential lots shall be zero feet (0’). Municipal utility easements shall not be required on side lot lines for lots on which a detached rear garage will be constructed. Detached single-family living structures must comply with Section 2(A)(7) above.
- ~~(10)~~(12) The minimum size of garages shall be four hundred (400) square feet. No additional on-site storage (attached to house or detached) shall be required.
- ~~(11)~~(13) The overhang of an eave of a residential building is permitted to encroach within the setbacks and municipal utility easements.
- ~~(12)~~(14) The minimum parking required for each residential dwelling unit is two (2) spaces. No additional spaces shall be required for dwelling units with more than two bedrooms.
- (B)** The same house plan may be built on every other detached single-family residential lot on either side of the street so long as the house is differentiated by elevation, material

and colors. An elevation may only be used once per five (5) consecutive houses. Developer shall be responsible for tracking and ensuring the arrangement of house plans comply, and in the event the house plan configuration is not in compliance, Developer will be solely responsible for any changes necessary to achieve compliance.

- (C) Residential lots may be accessed from (1) a public right of way or (2) by an alley only. Blocks with lots that are accessed only by an alley shall contain no more than forty (40) such lots on a single block face and shall be of such configuration that no portion of any building on any such lot will be more than one thousand fifty (1,050) feet from the right-of-way of an internal street to which the alley is connected.
- (D) Lots under sixty feet (60') wide shall have either:
 - (1) Rear-loaded garages with access from a shared alley,
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- (E) Detached rear garages may be built with a shared wall, so long as it is built to a two-hour fire rating standard.

Section 3. Commercial Tract

The use and development of the Commercial Tract, as more particularly depicted on the Concept Plan, shall be subject to the use and development standards of Retail and Services District 'RS' as the base zoning district.

Section 4. Parkland and Open Space

- (A) Owner shall develop a privately maintained public open space and trail system to be dedicated to the City ("Public Parkland"). Open space less than five (5) contiguous acres may be dedicated to the City without a variance. The Public Parkland shall be maintained by a property owners' association.
- (B) The Public Parkland is an eligible improvement under a Public Improvement District.

Section 5. Subdivision Infrastructure

- (A) The maximum number of living units equivalent (LUEs) for the Residential and Commercial Tracts is two hundred and fifty (250) LUEs.
- (B) Except as otherwise provided below for the Kyle 57 PUD, all streets, roads, sidewalks, drainage, water, and wastewater lines and facilities and all other infrastructure within the Property (the "Subdivision Infrastructure") will be constructed by Owner to meet City Code.
- (C) The width of the alley right of way shall be twenty feet (20'). The minimum pavement width for alleys, measured from edge of pavement to edge of pavement, shall be sixteen feet (16').
- (D) The City shall coordinate with adjacent landowners to ensure that internal streets that are designed to access adjacent properties are connected in a manner that creates a safe and City Code compliant street network.

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- ~~(B)~~(C) A fence shall be constructed along the property line of the Kyle 57 PUD adjacent to the Neighboring Tracts. The fence will be six (6) feet in height and constructed with wrought iron, horizontal wood frame with cattle panel, or something comparable in height and building standards.

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—You may send your written comments to the Planning Department, 100 W. Center St., Kyle, Texas 78640
(attention: Zoning File # Z-20-0067).

Name: Alton + Deanna Franke Address: 1501 N. Old Stagecoach Rd.
Kyle, Texas
786

I am in favor, this is why _____

I am not in favor, and this is why See Attachment

Attachment: Zoning File #Z-20-0067

Alton E. and Deanna K. Franke

Our property joins the subject property. Our concerns are as follows:

1. No reasonable notice – We received notice on Monday, December 21, 2020 during the Christmas and New Year’s Holidays.
2. Rezoning to a PUD - A PUD is different than standard zoning. It provides for variances than would be provided under standard zoning categories.
3. Flat clearing – Mass grading of the property with existing natural lay of the land (drainage, trees, environmental, historical, etc.) replaced with a high the density development. Flat clearing will damage the wooded area behind our home. Under the rezoning plan, mass grading of the property may begin before final approval of the plats is received from the City. Many of the subdivisions in the area incorporate the natural and historical features of the land into the subdivision plan rather than destroying them.
4. Increased density - A decrease in lot, rear setback, and residence size. The decrease in the rear setback will place new homes closer to our property line and those of other existing property owners.
5. Increased traffic – Traffic currently backs up on nearby 2770 in the area of schools. This would only increase.
6. Decreased absorption area – Increased drainage on the subject property, and for property owners down the creek.
7. Variance to tree ordinance – Lessor older trees, and risk of spreading oak wilt. The area behind our home is wooded with the fear that oak trees removed may be connected by root systems to our trees thereby damaging them. Oak wilt may be transmitted through root systems.
8. Height of new homes

Thank you for your consideration

January 12, 2021

To whom it may Concern,

My Wife and I are residents and homeowners at 431 Quail Meadow Dr. Kyle, Tx 78640. Our property is adjacent to the proposed Planned Unit Development along FM 150 W (case-# z-20-0067).

We are against the Planned Unit development ...mainly because we feel the traffic along F.M. 150 is already heavy throughout the day and extremely unsafe. We must wait several minutes upon exiting the neighborhood as traffic is constant and traveling at a high rate of speed along F.M. 150. When approaching our neighborhood, the light at the intersection of Jack C. Hays Dr and F.M. 150 is backed up in all directions in the mornings and evenings even with Hays CISD having limited students during our Covid-19 Pandemic.

With the existing developments in the area(6 creeks and the new development further down F.M. 150 we just feel with nothing being done to improve the traffic flow this will only make matters worse and unsafe to the public and kids who are walking to and from Barton and Hays Highschool. We are parents of 2 future HAYS CISD students and I myself was one and would like to continue to see the community grow in the most positive of ways.

We would rather the land be used for a type of wildlife preservation, park, trails or nature intended use. These types of areas are lacking within the City and would be put to good use. As residents of property that is adjacent to the land, I can tell you that many Deer and other wildlife are often seen on the property and use the area frequently or reside in it.

As far as concerns with the development I can say that I have seen Matt Greene's (Homeowner at 430 Quail Meadow Dr. and my Neighbor) responses to some issues and as that is his expertise working for the city of New Braunfels he has pointed out some very good and strong points that we absolutely agree with.

I am a Deputy with Travis County and have seen firsthand how the City of Austin has treated their county residents when developments have moved in. I hope to see the City of Kyle continue to support the county residents and work with us rather than against us. This opportunity to have our responses and voices heard is defiantly positive. I will be attaching Mr. Greene's responses that have already been submitted just for reference purposes.

If this Planned Unit Development is to move forward, **I STRONGLY ASK THAT YOU PLEASE TAKE INTO CONSIDERATION ALL OF THE POINTS THAT MR. GREENE HAS STATED IN HIS RESPONSE.**

Thank you, Kyle City Council, Planning Commission and Staff, for your time in this matter and allowing those an opportunity to respond to the matter it is greatly appreciated.

Sincerely, Residents and Homeowners of 431 Quail Meadow Dr. (Kristopher & Erika Beasley)

January 12, 2021

Thank you Kyle City Council, Planning Commission and Staff, for your consideration of my comments regarding the proposed Planned Unit Development (Case #Z-20-0067).

I am a resident of the Quail Meadows Subdivision adjacent to the subject property and am in favor of the proposed zone change to the Planned Unit Development, as the current residential zoning in place (R-1-2) allows the possibility for too many small lots to be developed adjacent to our ½ acre + lots. **Though I am in favor, I do ask that the following comments be taken seriously and into consideration:**

1. The Quail Meadows Subdivision consists of lots that are a minimum ½ acre in area. There are 60-foot wide lots proposed adjacent to the Quail Meadows Subdivision lots. I ask that you please consider a minimum lot width requirement of 70 feet to 80 feet with a minimum lot area of 8,000 square feet to 10,000 square feet for lots abutting the Quail Meadow Subdivision. Larger lots adjacent to the Quail Meadow Subdivision would allow a more cohesive and compatible transition between the two subdivisions.
2. All lots within the Quail Meadows Subdivision abutting the subject property are developed with single-story homes. Please limit the homes adjacent the Quail Meadows Subdivision to one story, as the proposed PUD development is much denser with smaller lots and very minimal rear building setback requirements. I also request you consider an increased minimum rear yard setback requirement than what is currently proposed between the lots in the Quail Meadows Subdivision and the lots in the Planned Unit Development. A 20-foot to 30-foot rear yard setback would be more consistent with current development of the Quail Meadows Subdivision which have minimum rear yard setbacks of approximately 50 feet. This would also help in making a smooth transition between the two neighborhoods.
3. The area is still somewhat rural in nature and the current residents of the area enjoy dark skies. Please consider limiting the number and intensity of any street lights within the Planned Unit Development. At a minimum, please require the source of the street lights and any subdivision entry signage to be shielded.
4. Traffic on FM 150 is obviously getting worse and there are multiple subdivisions currently under construction in the area that will contribute to the traffic problem as well. Please ensure a Traffic Impact Analysis is submitted for this project and

if right-in, right-out or left-in turn lanes are warranted, please ensure they are installed at the required phases of development.

5. I am not familiar with the City of Kyle's sidewalk requirements when it comes to subdivision construction, but with this being a Planned Unit Development request, you can and should make public sidewalks a requirement adjacent to FM 150. Many students from this area walk to the nearby schools, businesses and neighborhoods and so will the future residents of this proposed development. The cost of sidewalk construction should not be paid for by the City or TxDOT, but by the developer.
6. Drainage from the subject property is also a concern. There is a significant amount of sheet flow runoff that comes from a portion of the subject property and covers part of my rear yard, my neighbor's yard and the remaining undeveloped portion of 6 Creeks Subdivision, with runoff several inches deep with as little as a 1" to 2" rainfall. Drainage is usually addressed with the construction plans associated with the subdivision plat, but as part of the PUD development standards, you can require the inclusion of additional measures up front that will ensure drainage is properly addressed.
7. **I strongly oppose the developer's request to mass grade the property before final approval of the subdivision plats is received from the City (Section 7(A) of the proposed Development Standards).** Full review and approval of this project's construction plans and final plats should occur prior to altering the property's contours or mass removal of vegetation. Should the mass grading occur prior to construction plan and plat approvals and the project ceases to move toward fruition for any reason, we are left with a huge drainage and erosion problem and beneficial trees and vegetation that can't be replaced will have been removed for no reason.

I thank you for taking the time to review and consider my concerns regarding Case# Z-20-0067.

Thank you kindly,



Matt Greene
430 Quail Meadow Drive
Kyle, TX 78640

January 17, 2021

Thank you Kyle City Council and staff for your consideration of my comments regarding the proposed Planned Unit Development (Case# Z-20-0067).

I am a resident of the Quail Meadows Subdivision adjacent to the subject property and am in favor of the proposed zone change to Planned Unit Development with the following concessions agreed upon between myself and the developer:

1. Lots within the Planned Unit Development located behind Lots 36 and 37 of the Quail Meadows Subdivision adjacent to the 25-foot wide waterline easement will be a minimum of 60 feet in width, and the homes constructed upon these lots will be restricted to one-story with a minimum 15-foot rear setback.
2. The developer of the Planned Unit Development will pay to install a fence along the development's shared property line adjacent to Lots 36 and 37 of the Quail Meadows Subdivision which will be 6 feet tall and either constructed of wrought iron, horizontal wood frame with cattle panel, or something comparable to be mutually agreed upon by all parties.

Through information presented at the Planning Commission meeting by representatives of the proposed development, City Staff and further conversations I've had with Daniel McElrath, a representative for the development, the concerns referenced in my January 12, 2021 comment letter that was presented to the Planning Commission have been adequately addressed. I withdraw these previous concerns as they are being addressed by the developer: minimum lot sizes, minimum rear yard setbacks, limitation to single story homes, preserving dark skies, traffic and sidewalks along FM 150, drainage and mass grading. I accept the concessions mentioned above offered by the developer to be incorporated into the Development Standards adopted with the ordinance for this Planned Unit Development.

I thank you for taking the time to review and consider my comments regarding Case# Z-20-0067.

Thank you kindly,



Matt Greene
430 Quail Meadow Drive
Kyle, TX 78640



CITY OF KYLE, TEXAS

Jimmy and Diana Owen - Zoning
(Z-20-0066)

Meeting Date: 2/2/2021
Date time: 7:00 PM

Subject/Recommendation: *(Second Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 1.4 acres of land from Agriculture 'AG' to Retail Service District 'RS' for property located at 101 Sunflower Circle, in Hays County, Texas. (Jimmy and Diana Owen - Z-20-0066) ~
Howard J. Koontz, Director of Planning and Community Development

Planning and Zoning Commission voted 6-0 to recommend approval of the request.

City Council voted 6-1 to approve on first reading.

Other Information: Please see attachments.

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

- Staff Memo
- Ordinance with Exhibit's A & B
- Letter of Request
- Application
- Location Map
- Current Zoning Map
- Land Use Districts Map

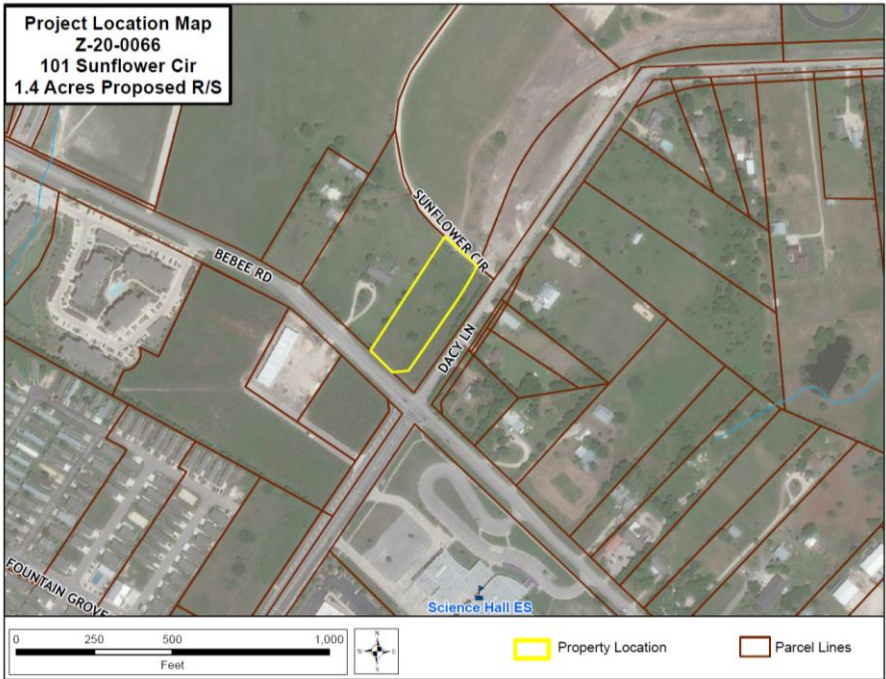
Property Location 101 Sunflower Circle (North corner of Dacy Lane & Bebee Rd Intersection), Kyle, TX 78640

Owner Jimmy C. & Diana L. Owen
115 Robin Way
San Marcos, TX 78666

Agent David Glover
P.O. Box 786
San Marcos, TX 78667

Request Rezone 1.399-Acres A (Agriculture) to RS (Retail Services)

Vicinity Map

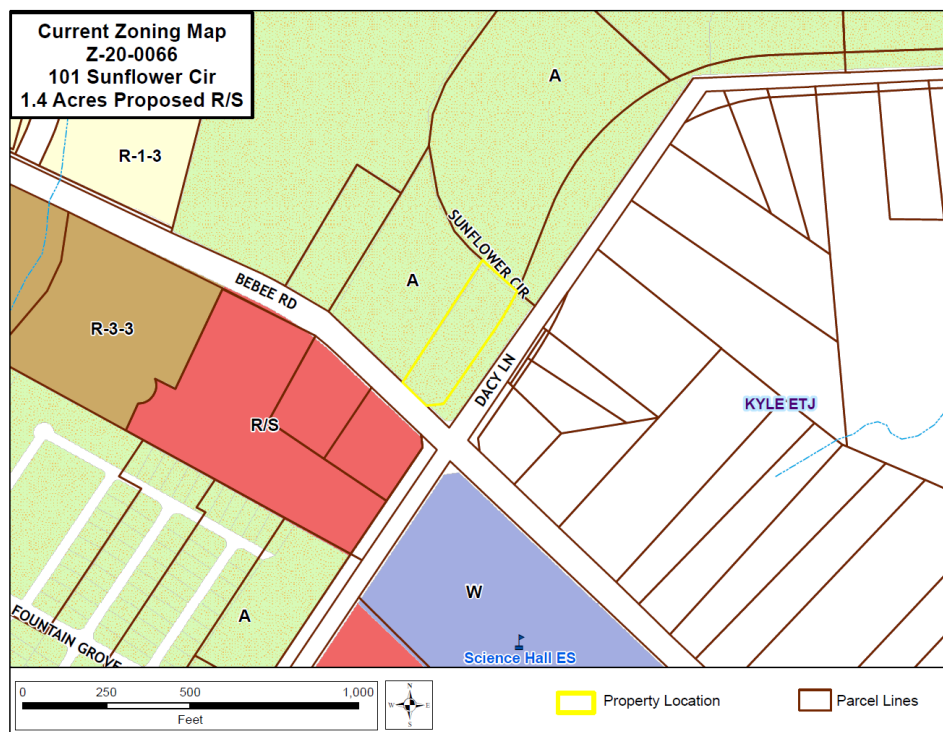


Site Description

101 Sunflower Circle is an undeveloped parcel zoned "A" (Agriculture). The site previously had a single-family residence on site, prior to Hays County purchasing rights-of-way for the Dacy Lane widening project. To the north and northwest is land zoned "A" with single-family residences and the City of Kyle's PARD property (vacant). To the east and northeast are mostly single-family residences/parcels in the City of Kyle's Extra-Territorial Jurisdiction (outside the city limits). To the south is Science Hall Elementary School (zoned Warehouse). Southwest of and across Bebee Road, are parcels zoned "RS", with a convenience store/fuel station under construction, and a restaurant on the hard corner (in review).

The applicant seeks to rezone the property from "A" (Agriculture) to "RS" (Retail Services).

Current Zoning



Existing Zoning

Sec. 53-36. - Agricultural district A.

The permitted uses in the agricultural district A allow farming, ranching, pasturage, detached single-family residences and related accessory structures, on a minimum one-acre tract. Parks, playgrounds, greenbelts and other public recreational facilities, owned and/or operated by the municipality or other public agency are permitted.

(Ord. No. 438, § 23, 11-24-2003)

Requested Zoning

RS (Retail Services)

Sec. 53-480. - Purpose and permitted uses.

This district allows general retail sales of consumable products and goods within buildings of products that are generally not hazardous and that are commonly purchased and used by consumers in their homes, including most in-store retail sales of goods and products that do not pose a fire or health hazard to neighboring areas, e.g., clothing, prescription drugs, furniture, toys, hardware, electronics, pet supply, variety, department, video rental and antique stores, art studio or gallery, hobby shops and florist shops., and the retail sale of goods and products (in the following listed use areas) to which value has been added on site, including sales of goods and services outside of the primary structure as customary with the uses specifically listed, and the following: Any use permitted in CBD-1 or CBD-2 and RS districts as provided in [section 53-1230](#).

(Ord. No. 438, § 42(a), 11-24-2003)

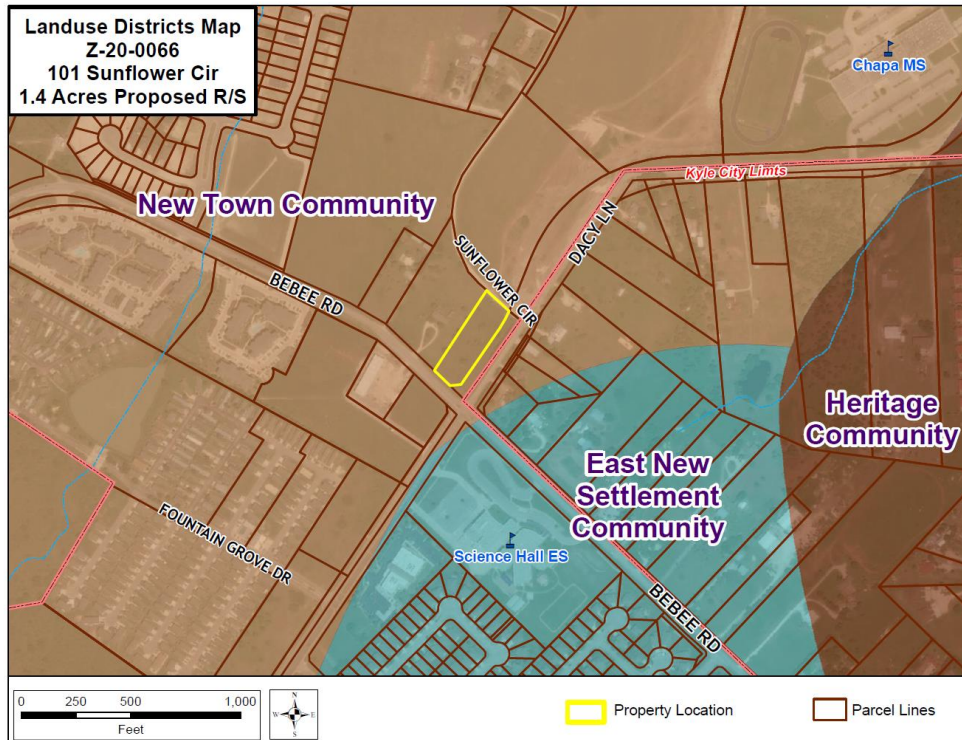
Conditions of the Zoning Ordinance

Sec. 53-1205 Amendments

- (d) *Referral of amendment to planning and zoning commission.* Upon its own motion, a request by the planning and zoning commission, or the receipt of an administratively complete petition and application to zone or rezone a lot, tract or parcel of land, which petition and application has been examined and approved as to form by the city manager, shall be referred to the planning and zoning commission for consideration, public hearing, and recommendation to

the city council. The council may not enact a rezoning amendment until the planning and zoning commission has held a public hearing and made its recommendation to the city council, or has made a final vote on the matter without obtaining a majority, on the zoning or rezoning of the property.

- (e) *Action by the planning and zoning commission.* The planning and zoning commission shall cause such study and review to be made as advisable and required, shall give public notice and hold a public hearing as provided by state law, and shall recommend to the council such action as the planning and zoning commission deems proper...



Comprehensive Plan Text

The subject site is located in the “New Town Community” District. The RS zoning district is recommended in the “New Town Community” District.

Current Land Use Chart

New Town Community

Recommended Zoning Categories: R-1-1, R-1-2, R-1-3, R-1-C, R-1-T, R-2, R-3-2, R-3-3, CC, NC, **RS**, MXD, O/I

Conditional Zoning Categories: E, A, C/M, R-1-A, R-3-1, RV, T/U, UE, HS, W

New Town Community

'Character': Currently consisting of primarily residential uses, open fields, some commercial uses along I-35, and the City's new Performing Arts Center, the New Town District will likely experience significant development pressures in the near future. This District straddles both I-35 and FM 1626, and growth from Austin and Buda is spreading south along these roadways. These land uses and the forms that follow are wide ranging and varying according to the existing development pattern in place today, and the availability for utility service to as-yet undeveloped lands. The New Town District includes undeveloped residential areas, the proposed site for an 'Uptown' shopping/activity center, proposed and existing commercial along higher classified roadways, and legacy residential that has existed for many years. This District should be livable, comfortable, and convenient for all residents of Kyle and surrounding region. Elements of form and design are critical to ensuring transitions between neighboring uses.

'Intent': The New Town District is designed to contain a horizontal mix of land uses that should be integrated across the area to express a cohesive community form. Many differing uses are encouraged throughout the District, but are distributed in autonomous land parcels instead of vertically aggregated in fewer land parcels. Horizontal mixed uses provide a transition to integrate the community form of New Town with surrounding communities, landscapes and nodes.

As parcels along major roadways and along side high capacity wet utilities come available, the development density of those parcels should be established higher than other areas of the city, especially any properties in proximity to either I-35, FM 1626 or both. The purpose of the New Town District is to harness economic development potential and establish its position as the sustainable center of surrounding growth. The leading way to

make this a reality is to build off the strength of the urban form supported in the Core Area Transition District, make use of the transportation network already in place that runs through and along this district, and enable more uses and architectural types that blend well into the urban design form. This District should provide economic support to Kyle based on locational advantages gained by access to growth advancing from south Austin and nodal developments on the northern side of Kyle. Mixed-Use development should be encouraged, not only permitted, to maximize economic development. This can be achieved by aggregating appropriate densities in order to support a mixture of uses. Development patterns and employment opportunities should be created in the New Town District that do not conflict with the surrounding community fabric. Establishing mixed use zoning districts and employment districts will compliment the existing retail and service uses present today, and should be supported by the adjacent residential and future integrated multi-family residential.

Analysis

101 Sunflower Circle sits at the north corner of Dacy Lane and Bebee Road. The site is zoned “A” and is currently vacant. At one point, the parcel had a single-family residence. However, with the Dacy Lane widening project, Hays County purchased additional rights-of-way and demolished the residence.

The applicant is asking for the “RS” zoning district, allowing general point-of-sale retail and service type uses. Typical types of businesses may include, but are not limited to retail, office, restaurants, hotels, convenience stores and fuel stations. The site is in the New Town Community District which recommends the “RS” zoning district.

Relating to location of commercial properties, hard corners (of intersections) are frequently sought after by retail developers. This is especially true for intersections of major roads, both Dacy Lane and Bebee Road function as such. Both Dacy Lane and Bebee Road function as arterial roads, seeing high volumes of vehicular traffic. This, in turn is good for commercial business. Additionally, Dacy Lane will be widened with the Phase 2 project by Hays County.

Both water and wastewater is adjacent and available for the site, and any new development will be required to tie into the public system. Additionally, standard site development requirements will be required, per city code (parking ratios, landscaping, appropriate vehicular circulation, building setbacks, etc.). Furthermore, developing the site will contribute to both property and sales tax

Recommendation

In conclusion, staff supports the rezoning from “A” (Agriculture) to “RS” (Retail Services). At the January 12, 2021 Planning & Zoning Commission meeting, the Commission voted 6-0 to recommend approval of the request. Staff asks the Mayor & Council to vote in support of the rezoning application.

Attachments

- Application
- Location Map
- Existing Zoning Map
- Land Use Districts Map

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF ASSIGNING ORIGINAL ZONING TO APPROXIMATELY 1.4 ACRES OF LAND FROM AGRICULTURE 'AG' TO RETAIL SERVICE DISTRICT 'RS' FOR PROPERTY LOCATED AT 101 SUNFLOWER CIRCLE, IN HAYS COUNTY, TEXAS. (JIMMY AND DIANA OWEN – Z-20-0066); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, THAT:

SECTION 1. That the zoning district map of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended to assign original zoning to approximately 1.4 acres of land from Agriculture 'AG' to Retail Service District 'RS', as shown on the property location map labeled Exhibit B.

SECTION 2. That the City Secretary is hereby authorized and directed to designate the tract of land zoned herein as such on the zoning district map of the City of Kyle and by proper endorsement indicate the authority for said notation.

SECTION 3. If any provision, section, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this Ordinance or the application to such other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of Kyle in adopting this Ordinance, that no portion hereof or provision contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion or provision.

SECTION 4. This Ordinance shall be published according to law and shall be and remain in full force and effect from and after the date of publication.

SECTION 5. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Kyle at a regular meeting on the _____ day of _____, 2021, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Kyle at a regular meeting on the _____ day of _____, 2021, at which a quorum

was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

APPROVED this _____ day of _____, 2021.

Travis Mitchell, Mayor

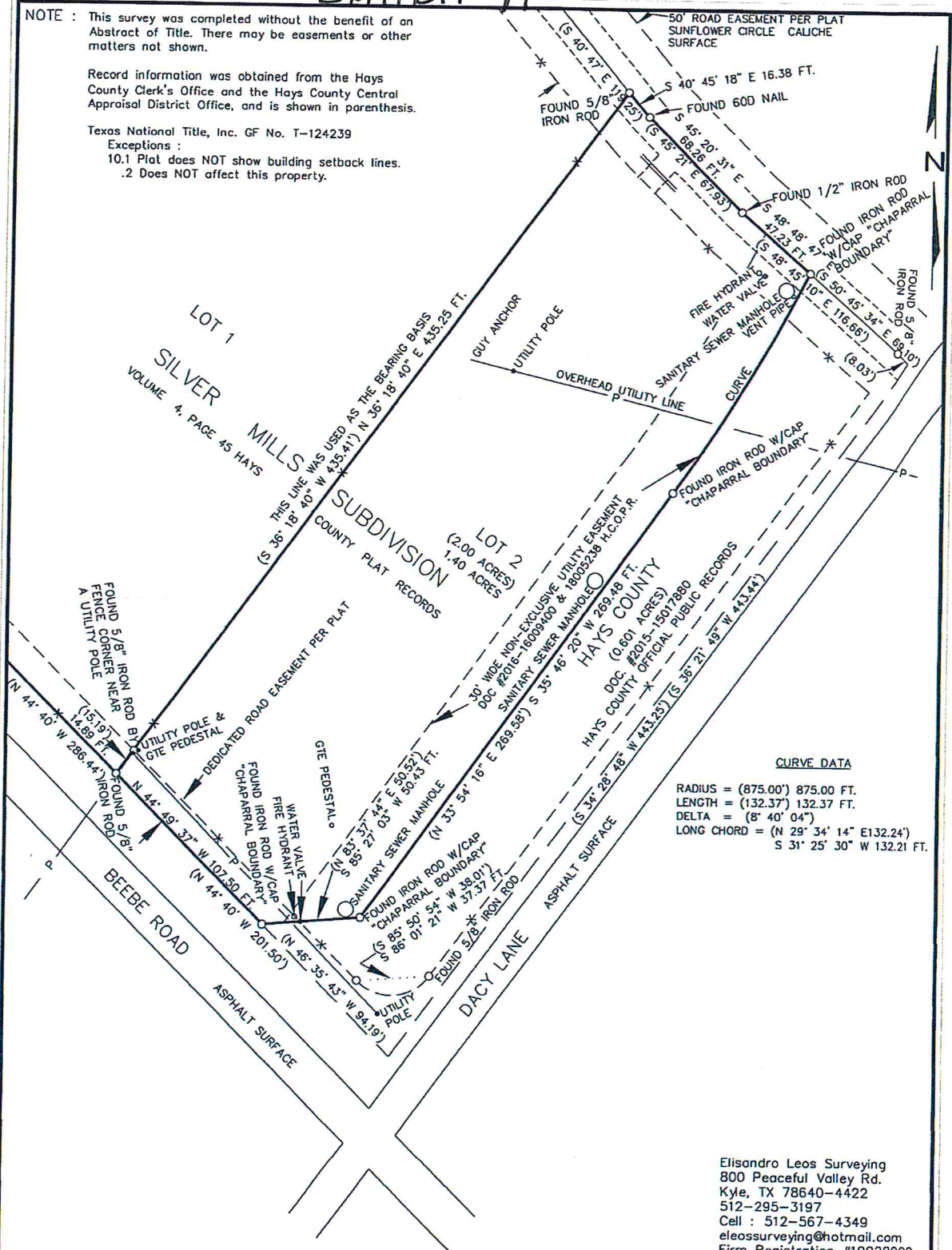
ATTEST:

Jennifer Holm, City Secretary

NOTE : This survey was completed without the benefit of an Abstract of Title. There may be easements or other matters not shown.

Record information was obtained from the Hays County Clerk's Office and the Hays County Central Appraisal District Office, and is shown in parenthesis.

Texas National Title, Inc. GF No. T-124239
 Exceptions :
 10.1 Plat does NOT show building setback lines.
 .2 Does NOT affect this property.



Elisandro Leos Surveying
 800 Peaceful Valley Rd.
 Kyle, TX 78640-4422
 512-295-3197
 Cell : 512-567-4349
 eleosurveying@hotmail.com
 Firm Registration #10022900

I, Elisandro Leos, do hereby certify that the above plat represents a survey made on the ground, by me, and shows the facts as found at the time of the survey, that there are no visible and or apparent easements or encroachments other than shown. This survey is NULL AND VOID without the original signature, in blue ink, and impression seal.

Elisandro Leos
 ELISANDRO LEOS RPLS 3959, LSLs



SURVEY PLAT
 OF
 ALL OF LOT 2 (2.00 ACRES) SILVER MILLS SUBDIVISION AS RECORDED IN VOLUME 4, PAGE 45 HAYS COUNTY PLAT RECORDS SAVE AND EXCEPT A (0.601 ACRES), BEING THE SOUTHEAST PART OF LOT 2 CONVEYED TO HAYS COUNTY BY DEED OF RECORD IN DOCUMENT NUMBER 2015-15017880 HAYS COUNTY OFFICIAL PUBLIC RECORDS.

IN HAYS COUNTY, TEXAS
 SURVEYED : DECEMBER 20, 2019
 SURVEYED FOR : JIMMY CHARLES & DIANA LOUISE OWEN
 TITLE COMPANY : TEXAS NATIONAL TITLE, INC.
 GF NO. T-124239
 ADDRESS : 101 SUNFLOWER CIRCLE
 SCALE : 1" = 60 FEET

Exhibit B

Z-20-0066 101 Sunflower Cir 1.4 Acres



11-11-2020

To Whom It May Concern:

Since the City of Kyle and the County of Hays have purchased a portion of our land and tore down our home, at 101 Sunflower Circle, Kyle Texas, to widen Dacy Lane and run a sewer line through said land, we would like to re-zone our land for commercial use. This seems to be a more suitable use for the remaining property.

We would appreciate your help and consideration to our request.

Thank you


Jimmy C Owen

APPLICATION & CHECKLIST – ZONING CHANGE

Zoning: JIMMY C. OWEN / DIANA L. OWEN _____
(Name of Owner) (Submittal Date)

INSTRUCTIONS:

- Fill out the following application and checklist completely prior to submission.
- Place a check mark on each line when you have complied with that item.
- Use the most current application from the City's website at www.cityofkyle.com or at City Hall. City ordinances can be obtained from the City of Kyle.

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

The following items are required to be submitted to the Planning Department in order for the Zoning Application to be accepted.

- 1. Completed application form with owner's original signature.
- 2. Letter explaining the reason for the request.
- 3. **Application Fee:** \$428.06, plus \$3.62 per acre or portion thereof.
Newspaper Publication Fee: \$190.21 **Sign Notice Fee:** \$127.00

Total Fee: _____

- 4. A map or plat showing the area being proposed for rezoning.
- 5. A clear and legible copy of field notes (metes and bounds) describing the tract (when not a subdivided lot).
- 6. Certified Tax certificates: County School City
- 7. Copy of Deed showing current ownership.

*** A submittal meeting is required. Please contact Debbie Guerra at (512) 262-3959 to schedule an appointment.

1. **Zoning Request:**
Current Zoning Classification: AGRICULTURE
Proposed Zoning Classification: RETAIL / SERVICES
Proposed Use of the Property: _____
Acreage/Sq. Ft. of Zoning Change: 1.399 ACRES

2. **Address and Legal Description:**

Provide certified field notes describing the property being proposed for rezoning.
Provide complete information on the location of the property being proposed for rezoning.

Street Address: 101 SUNFLOWER CIRCLE, KYLE, TX 78640
Subdivision Name/Lot & Block Nos.: LOT 2, SILVER MILLS SUBDIVISION

Property Recording Information: Hays County
Volume/Cabinet No. 969 Page/Slide No. 35

3. **Ownership Information:**

Name of Property Owner(s): JIMMY C. OWEN
DIANA L. OWEN

Certified Public Notary:

This document was acknowledged before me on the 12 day of November, 2020, by
Jim Owens (Owner(s)).
Diana Owens

Notary Public State of Texas
(Seal)



[Handwritten Signature]

(If property ownership is in the name of a partnership, corporation, joint venture, trust or other entity, please list the official name of the entity and the name of the managing partner.)

Address of Owner: 115 ROBIN WAY
SAN MARCOS, TX 78666

Phone Number: 512 787-8496

Fax Number: _____

Email Number: PAPAABBY@ADL.COM

I hereby request that my property, as described above, be considered for rezoning:

Signed: Jimmy C. Owen Diana L. Owen
Date: 11-12-20

4. Agent Information:

If an agent is representing the owner of the property, please complete the following information:

Agent's Name: DAVID GLOVER
Agent's Address: P.O. Box 786
Agent's Phone Number: 512 757-1717
Agent's Fax Number: 512 396-2943
Agent's Mobile Number: 512 757-1717
Agent's Email Number: SMRE@AGGIENETWORK.COM

I hereby authorize the person named above to act as my agent in processing this application before the Planning and Zoning Commission and City Council of the City of Kyle:

Owner's Signature: Jerry C Owen Deanne L. Owen
Date: 11-12-20

*Do Not Write Below This Line
Staff Will Complete*

Tax Certificates: County School City

Certified List of Property Owners Within 200'

All Fees Paid: Filing/Application Mail Out Costs

Attached Map of Subject Property

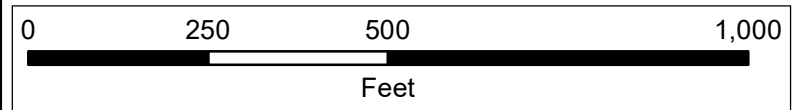
Accepted for Processing By: _____ Date: _____

Date of Public Notification in Newspaper: _____

Date of Public Hearing Before Planning and Zoning Commission: _____

Date of Public Hearing Before City Council: _____

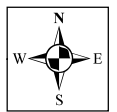
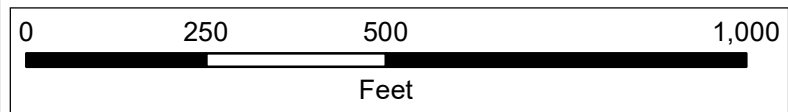
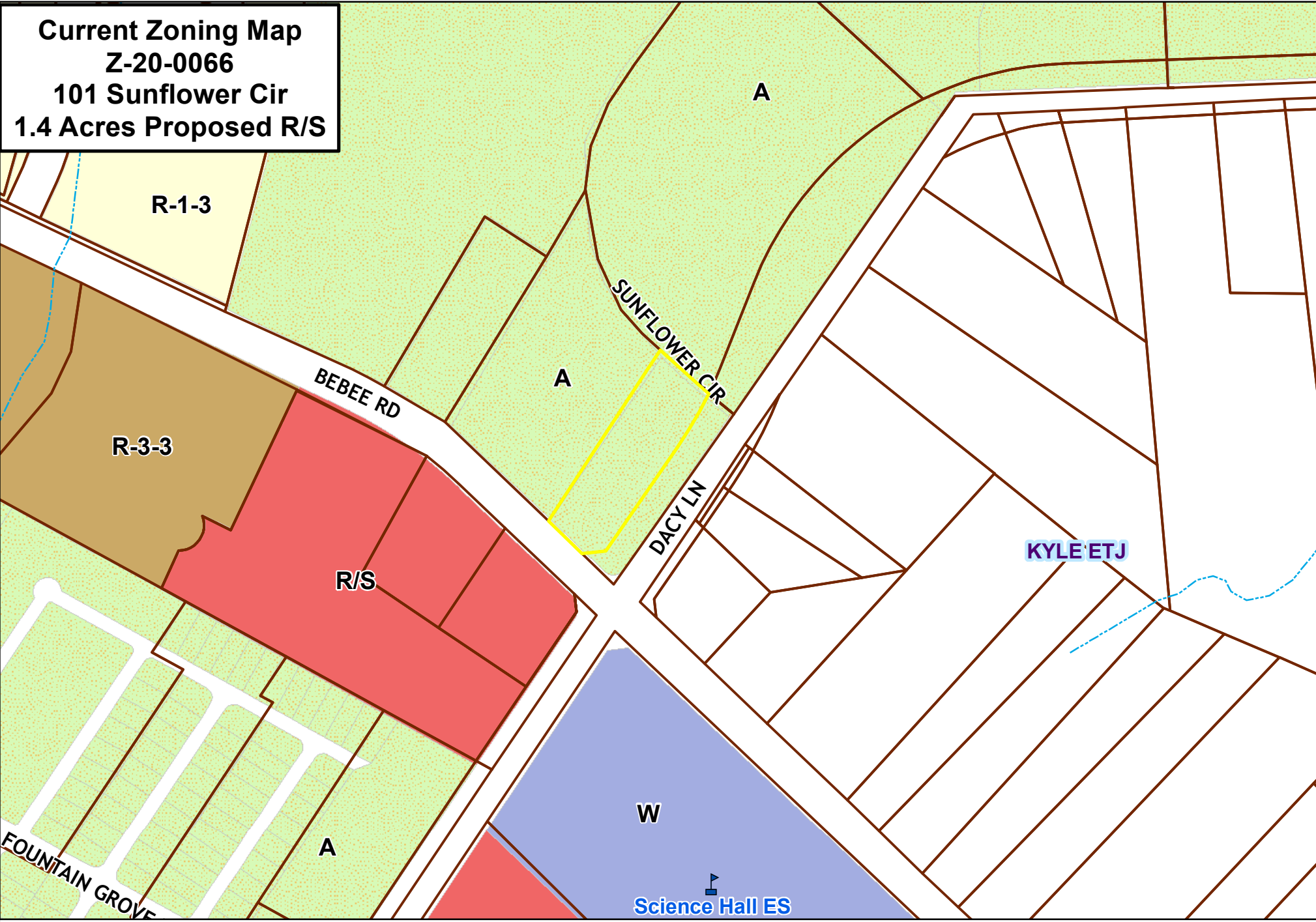
Project Location Map
Z-20-0066
101 Sunflower Cir
1.4 Acres Proposed R/S




 Property Location
Item # 17

 Parcel Lines

Current Zoning Map
Z-20-0066
101 Sunflower Cir
1.4 Acres Proposed R/S



 Property Location
Item # 17

 Parcel Lines

Landuse Districts Map
Z-20-0066
101 Sunflower Cir
1.4 Acres Proposed R/S

Chapa MS

Kyle City Limits

New Town Community

Heritage Community

East New Settlement Community

Science Hall ES

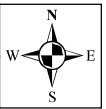
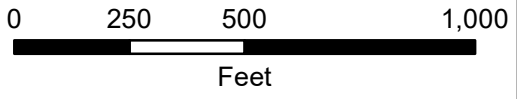
BEBEE RD

SUNFLOWER CIR

DACY LN

FOUNTAIN GROVE DR

BEBEE RD



Property Location
Item # 17

Parcel Lines



CITY OF KYLE, TEXAS

DDR DB Kyle LP - Zoning (Z-20-0069)

Meeting Date: 2/2/2021
Date time: 7:00 PM

Subject/Recommendation: *[POSTPONED 1/19/2021] (First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, to rezone approximately 19.5 acres of land from Retail Service District 'RS' to Multi-Family Residential-3 'R-3-3' for property located at 5492 Kyle Center Drive, in Hays County, Texas. (DDR DB Kyle LP - Z-20-0069) ~ Howard J. Koontz, Director of Planning and Community Development

Planning and Zoning Commission voted 5-1 to deny the request.

- Public Hearing

Other Information: See attachments.

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

- Staff Memo
- Ordinance with Exhibit's A & B
- Request Letter
- Application
- Location Map
- Current Zoning Map
- Land Use Districts Map
- Letter in favor of request
- Letter of Opposition

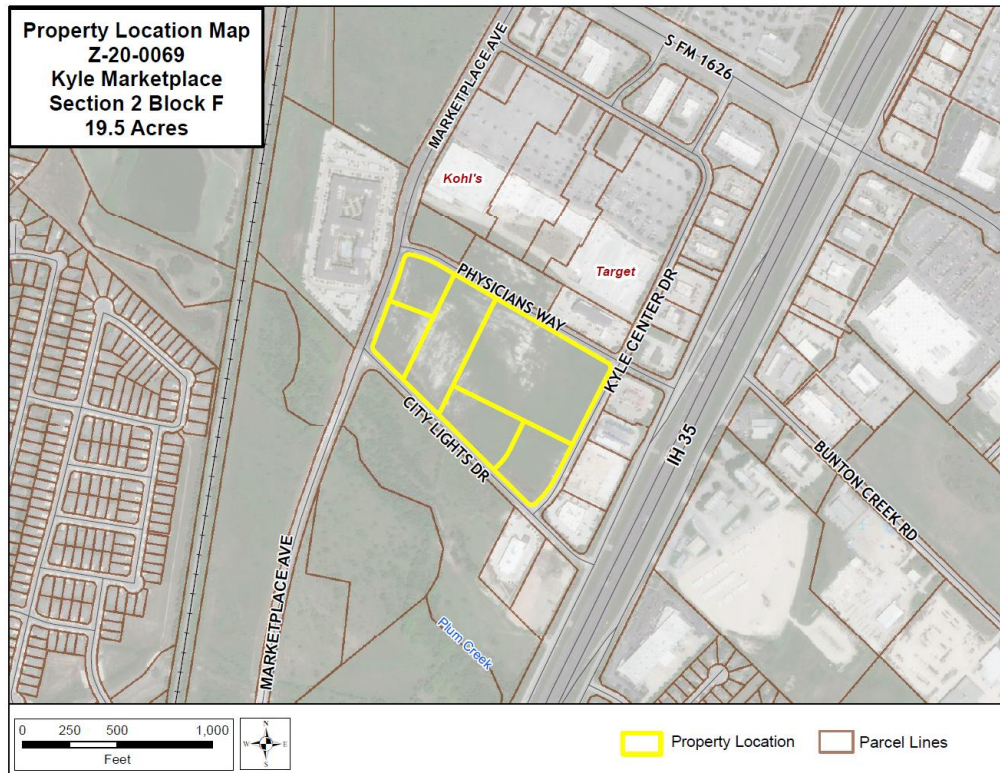
Property Location Kyle Marketplace Section 2, Lots 1, 1B, 1C, 2, 3, & 4, Block F

Owner DDR DB Kyle LP.
Michael S. Owendoff, Deputy General Counsel
3300 Enterprise Pkwy
Beechwood, OH 44122

Agent Travis Sawvell
1703 W. 5th, Ste. 850
Austin, TX 78750

Request Rezone 19.4681-Acres "RS" (Retail Services) to "R-3-3" (Apartments Residential 3)

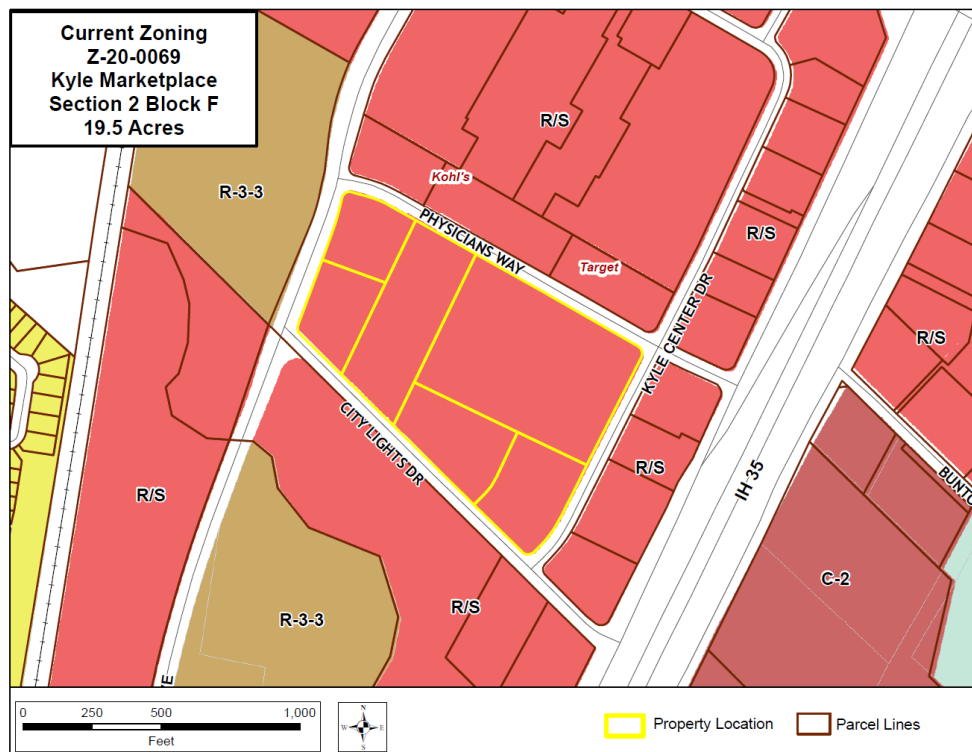
Vicinity Map



SITE DESCRIPTION

The site is located on an undeveloped pad site, surrounded on four sides by public streets (Marketplace Ave., Kyle Center Dr., Physicians Way, City Lights Dr.). The parcel is generally behind the Target/Kohl's shopping center, with the Comfort Suites hotel between the shopping center and the pad site. To the east of the block, are Chicken Express, Rapid Express Car Wash, a two-story office and Kyle ER. To the south lie Caliber Collision and a future fuel station and strip center (under construction). To southwest lies undeveloped land, zoned "RS". To the west is undeveloped land zoned "RS" (across Marketplace Ave.). To the west and northwest lies the Oaks of Marketplace apartment complex (zoned R-3-3).

Current Zoning Map



Existing Zoning

RS (Retail Services District)

Sec. 53-480. - Purpose and permitted uses.

This district allows general retail sales of consumable products and goods within buildings of products that are generally not hazardous and that are commonly purchased and used by consumers in their homes, including most in-store retail sales of goods and products that do not pose a fire or health hazard to neighboring areas, e.g., clothing, prescription drugs, furniture, toys, hardware, electronics, pet supply, variety, department, video rental and antique stores, art studio or gallery, hobby shops and florist shops., and the retail sale of goods and products (in the following listed use areas) to which value has been added on site, including sales of goods and services outside of the primary structure as customary with the uses specifically listed, and the following: Any use permitted in CBD-1 or CBD-2 and RS districts as provided in section 53-1230.

Requested Zoning

R-3-3 (Apartments Residential 3)

Sec. 53-292. - Purpose and permitted uses.

The multifamily residential district R-3-3 permits typical apartment development with buildings not exceeding three stories, nor more than 28 units per buildable acre, and with apartments or units having a minimum living area of 500 square feet; provided that not more than 25 percent of the units in any such apartment development or project shall have less than 750 square feet of living area.

CONDITIONS OF THE ZONING ORDINANCE

Sec. 53-1205 Amendments

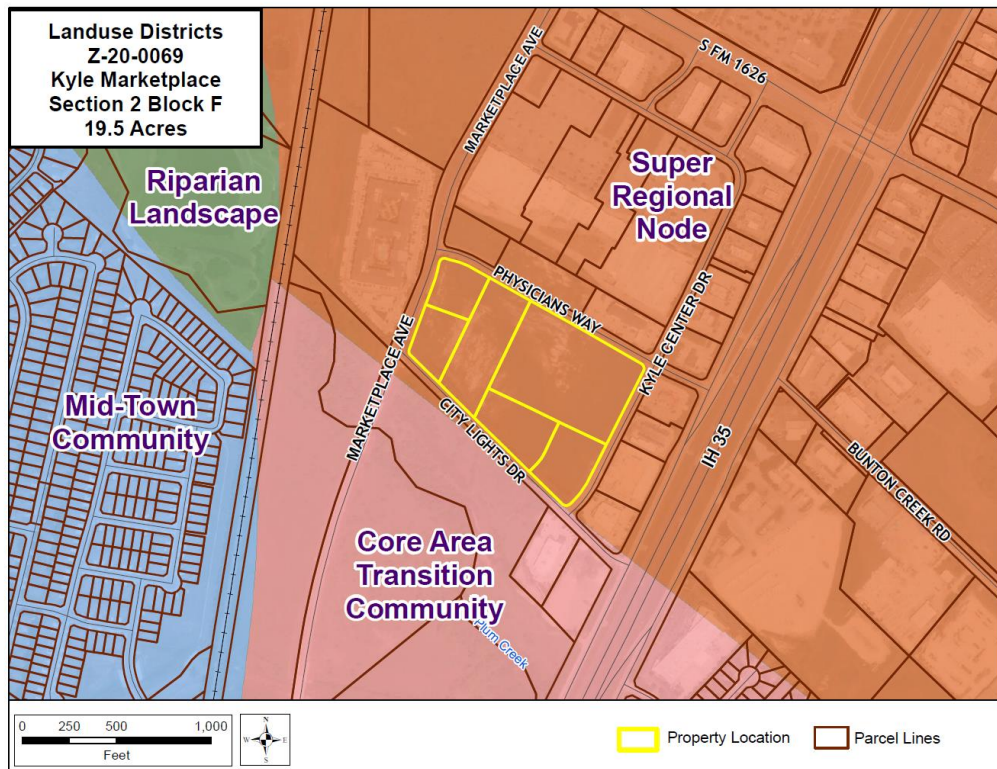
(d)

Referral of amendment to planning and zoning commission. Upon its own motion, a request by the planning and zoning commission, or the receipt of an administratively complete petition and application to zone or rezone a lot, tract or parcel of land, which petition and application has been examined and approved as to form by the city manager, shall be referred to the planning and zoning commission for consideration, public hearing, and recommendation to the city council. The council may not enact a rezoning amendment until the planning and

zoning commission has held a public hearing and made its recommendation to the city council, or has made a final vote on the matter without obtaining a majority, on the zoning or rezoning of the property.

(e)

Action by the planning and zoning commission. The planning and zoning commission shall cause such study and review to be made as advisable and required, shall give public notice and hold a public hearing as provided by state law, and shall recommend to the council such action as the planning and zoning commission deems proper...



COMPREHENSIVE PLAN TEXT

The subject site is located within the “Super Regional Node”. The “R-3-3” zoning district is a recommended district in the “Super Regional Node”.

Recommended: E, HS, R-3-2, **R-3-3**, R/S, MXD, O/I

Conditional: ----

Super Regional Node

'Character': The Super Regional Node should contain large-scale institutional, commercial, retail, and where appropriate, high density multifamily land uses to create the highest classification activity center in Kyle. The Seton Medical Center should serve as the key distinguishing employment component, serving as the primary institutional use in the district upon which support enterprises can base their business locations. The Super Regional Node is in the early stages of development, and care should be taken to ensure that as development processes, it is in keeping with the character and intent outlined below for this Node. Seton Hospital serves as a regional attractor and, in large part, alongside destination retail and business services, defines the Super Regional Node. Associated health providers and goods and service providers should be attracted to this area and encouraged to create a diverse commercial and employment center. The aggregation of commercial square footage in this Node creates a significant commercial destination that will be visible to regional travelers along the I-35 corridor. This proximity to highway infrastructure results in the rare instance of a district primarily designed to be automobile oriented, with patrons arriving and inter-locating primarily by car. The commercial focus of this Node should be on acting as an economic activity center, generating much needed real estate, sales and hotel occupancy tax revenue for the city while fulfilling the retail and service needs of patrons from a targeted distance of no less than 10-15 mile away. Additionally, ancillary entertainment uses, such as movie theaters or bowling alleys, may be appropriate in this Node. This Node should serve as a destination for Kyle, attracting people due to the hospital and/or commercial offerings, and encouraging them to extend their stay due to unique and diverse uses and connections to other areas of Kyle.

'Intent': The purpose of the Super Regional Node is to capture employment opportunities and create a commercial destination within Kyle. Situated at the intersection of I-35 and Texas State Highway 1626, these high classification roadways are best suited to bring in out-of-region patrons with the least impact to Kyle's local street network. This Node should take advantage of the medical center and of I-35 traffic to increase Kyle's competitiveness in the surrounding region. Existing employment opportunities should be referenced when targeting complimentary commercial uses and opportunities for increased value capture. Due to the concentration and diversity of uses in this Node, appropriate land use transitions to adjacent Communities is critical. The anchor of the Super Regional Node should be employment and they daytime population created by those positions, and the Super Regional Node should have the highest level of development intensity of all Nodes.

ANALYSIS

The subject property is located on approximately 19.5-acres, south (behind) of the Target/Kohl's shopping center. It is bounded on four sides by existing streets and has water and wastewater services available to it. The site is currently zoned "RS" (Retail Services), and the "R-3-3" (Apartments Residential 3) is recommended per the "Super Regional Node" land use district.

The 19.5-acre parcel has been vacant for some time. The pad site has never been developed and being setback from both southbound IH-35 and FM 1626, the 19.5-acre site is partially hidden from both of those thoroughfares. This site, however, has received significant interest for multi-family, residential development. In several instances, planning staff has met with potential developers to develop the site with a high-density, mixed-use activity center use in mind.

The R-3-3 district allows for up to 28 residential units per buildable acre, in structures of a maximum of 3-stories and 45-feet in height. Theoretically, this property could develop 546 dwelling units, while in reality building setbacks, surface parking lots and drive aisles, and utility corridors and easements will ultimately mean fewer dwellings will actually be built. That stated, other than vertical mixed-use (MXD zoning), this is the City of Kyle's highest density multifamily zoning category. One item of note is the developer and the City Council are drafting a development agreement to further refine the R-3-3 zoning district. It will mostly relate to building façade requirements and building setbacks. The intent is to make it more of an urban style project.

PLANNING COMMISSION

At the January 12, 2021 Planning & Zoning Commission meeting, the Commission heard this application and held a Public Hearing. One commenter sent in a letter in support of the project; the other commenter, Mike Rubsam (former chair of the P&Z Commission), voice opposition to the project, due to his preference for this area to remain a high-activity area that features vertical mixed-use projects with longer periods of activity and operation that will benefit both Kyle residents and out-of-town patrons. After discussion among the remaining commissioners, most of whom voiced opposition to the idea of this project being developed as solely an apartment complex, the Commission voted 5-1 to **recommend denial** of the rezoning request (Commissioner McCall was the sole dissenting vote). Reasons cited include both a preference for vertical mixed use (MXD zoning) or keep it as retail (RS zoning). The Commission largely believes that the City has an overabundance of multifamily and would like ground floor commercial to activate the streetscapes.

RECOMMENDATION

Because the site has sufficient utilities and road infrastructure, city staff supports the rezoning to R-3-3. City staff asks the Mayor & Council to vote to approve the zoning amendment.

Attachments

- Application
- Location Map
- Current Zoning Map
- Land Use Districts Map

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE TO REZONE APPROXIMATELY 19.5 ACRES OF LAND FROM RETAILSERVICE DISTRICT 'RS' TO MULTI-FAMILY RESIDENTIAL-3 'R-3-3' FOR PROPERTY LOCATED AT 5492 KYLE CENTER DRIVE, IN HAYS COUNTY, TEXAS. (DDR DB KYLE LP- Z-20-0069); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, THAT:

SECTION 1. That the zoning district map of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended to rezone approximately 19.5 acres of land from Retail Service District 'RS' to Multi-Family Residential-3 'R-3-3', as shown on the property location map labeled Exhibit B.

SECTION 2. That the City Secretary is hereby authorized and directed to designate the tract of land zoned herein as such on the zoning district map of the City of Kyle and by proper endorsement indicate the authority for said notation.

SECTION 3. If any provision, section, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this Ordinance or the application to such other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of Kyle in adopting this Ordinance, that no portion hereof or provision contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion or provision.

SECTION 4. This Ordinance shall be published according to law and shall be and remain in full force and effect from and after the date of publication.

SECTION 5. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Kyle at a regular meeting on the _____ day of _____, 2021, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Kyle at a regular meeting on the _____ day of _____, 2021, at which a quorum

was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

APPROVED this _____ day of _____, 2021.

Travis Mitchell, Mayor

ATTEST:

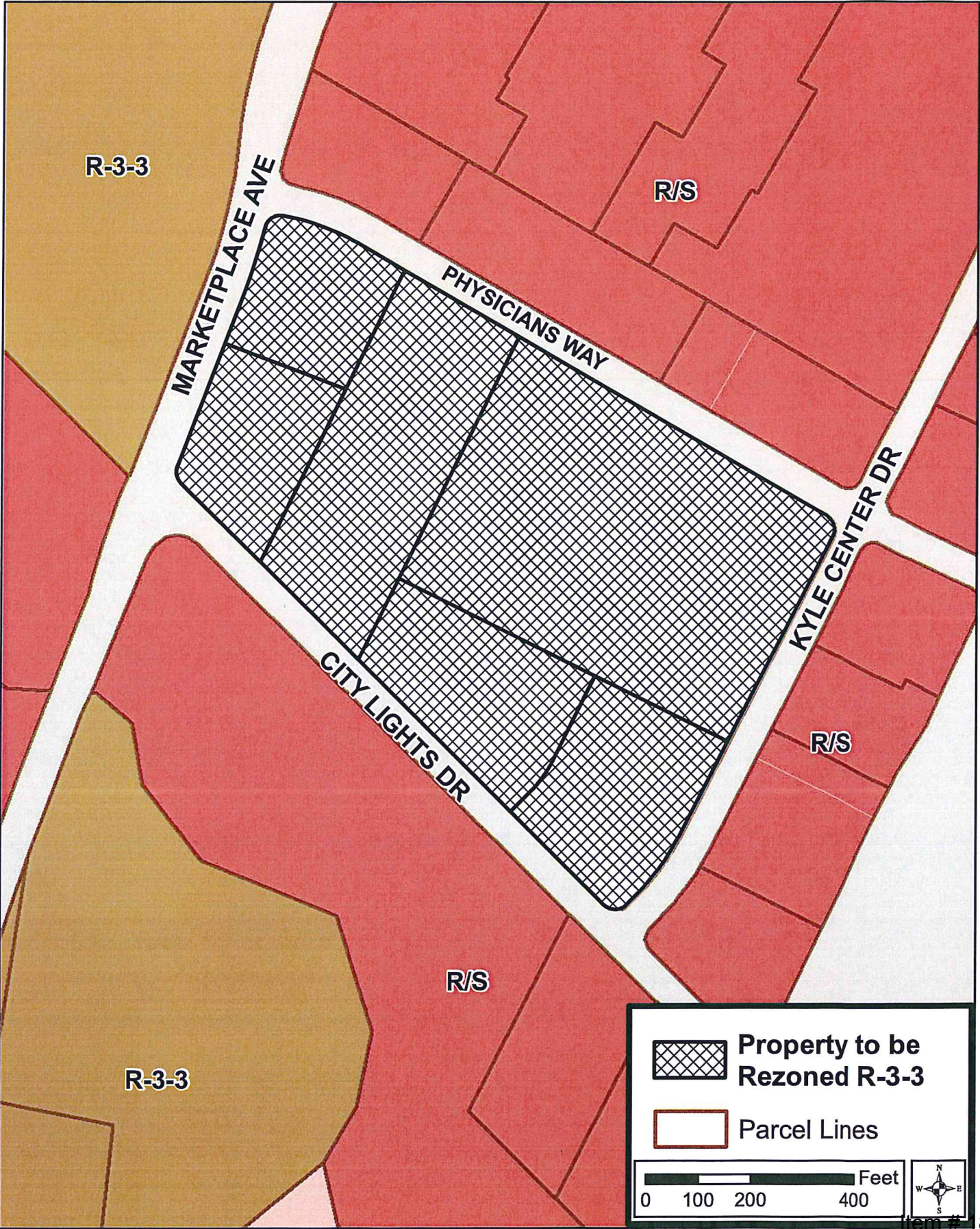
Jennifer Holm, City Secretary

“EXHIBIT A”

KYLE MARKETPLACE SECTION 2, LOTS 1, 1B, 1C, 2, 3 & 4, BLOCK F

Exhibit B

Z-20-0069 Physicians Way at Kyle Center Dr 19.5 Acres





To whom it may concern,

Central Southwest Development (CSW) is seeking the rezoning of Kyle Marketplace Section 2, LOT 1, 1B, 1C, 2, 3, & 4, BLOCK F, consisting of 19.4861 AC, as shown in Exhibit A. CSW has come to this conclusion after actively marketing the property for over 16 months for users that are allowable with the current zoning of RS. Unfortunately, the land no longer lends itself to that zoning and therefor the request is for the land to be rezoned to allow multi-family (R-3-3).

Sincerely,

A handwritten signature in black ink, appearing to read "Robert O'Farrell".

Robert O'Farrell

President



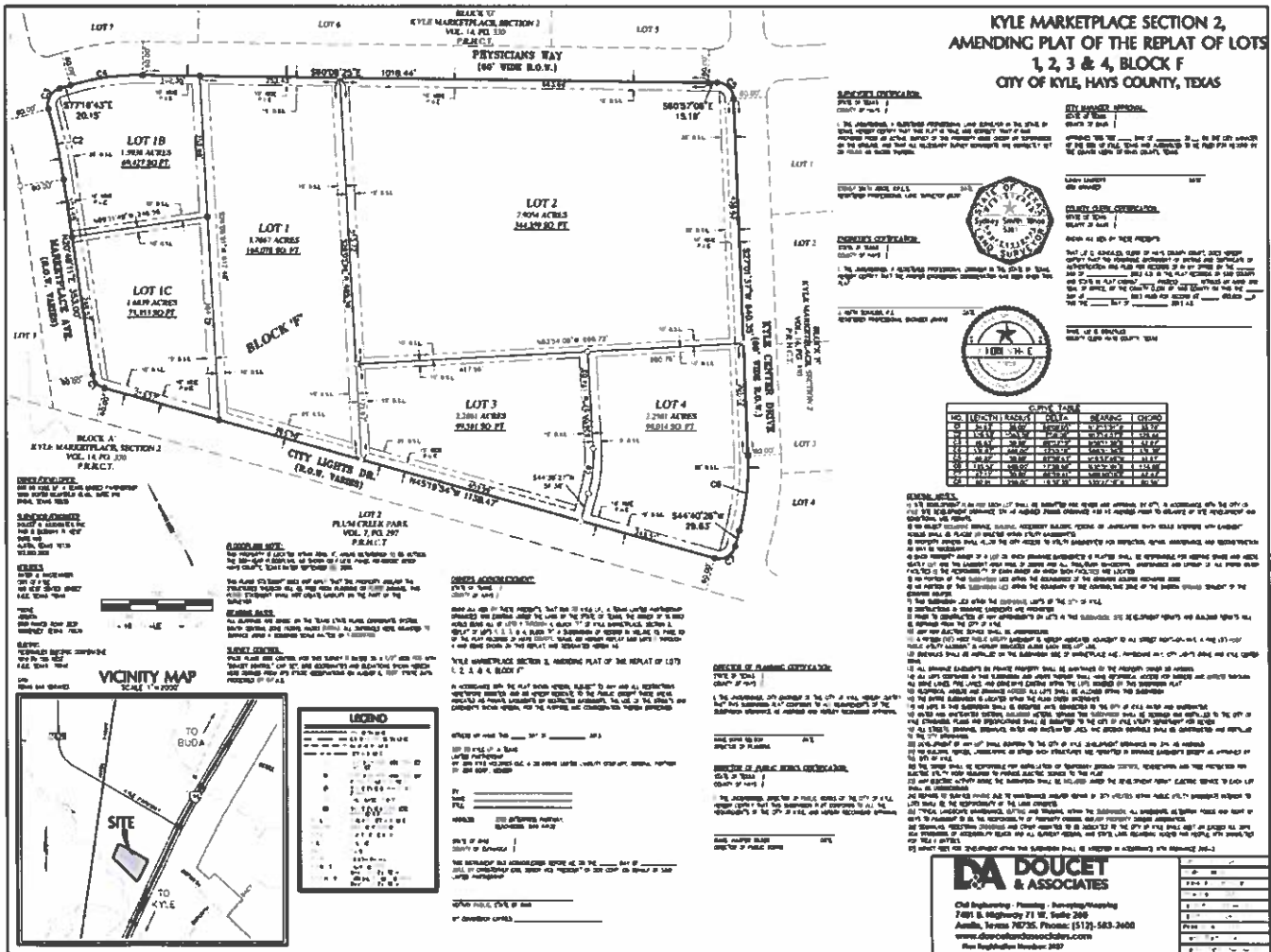
D: 512.368.7025

rofarrell@cswdevelopment.com

www.cswdevelopment.com

Exhibit "A"

Kyle Marketplace Section 2,
LOT 1, 1B, 1C, 2, 3, & 4,
Block F



APPLICATION & CHECKLIST – ZONING CHANGE

Zoning: DDR DB KYLE LP
(Name of Owner)

11/30/2020
(Submittal Date)

INSTRUCTIONS:

- Fill out the following application and checklist completely prior to submission.
- Place a check mark on each line when you have complied with that item.
- Use the most current application from the City's website at www.cityofkyle.com or at City Hall. City ordinances can be obtained from the City of Kyle.

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

The following items are required to be submitted to the Planning Department in order for the Zoning Application to be accepted.

1. Completed application form with owner's original signature.
2. Letter explaining the reason for the request.
3. **Application Fee:** \$428.06, plus \$3.62 per acre or portion thereof.
Newspaper Publication Fee: \$190.21 **Sign Notice Fee:** \$127.00

Total Fee: \$815.81

4. A map or plat showing the area being proposed for rezoning.
5. A clear and legible copy of field notes (metes and bounds) describing the tract (when not a subdivided lot).
6. Certified Tax certificates: County School City
7. Copy of Deed showing current ownership.

***** A submittal meeting is required. Please contact Debbie Guerra at (512) 262-3959 to schedule an appointment.**

1. Zoning Request:

Current Zoning Classification: RS – Retail Services

Proposed Zoning Classification: R-3-3

Proposed Use of the Property: Multi-Family

Acreage/Sq. Ft. of Zoning Change: 19.4861 AC

2. Address and Legal Description:

**Provide certified field notes describing the property being proposed for rezoning.
Provide complete information on the location of the property being proposed for rezoning.**

Street Address: _____

Subdivision Name/Lot & Block Nos.: Kyle Marketplace Section 2, LOT1, 1B, 1C, 2, 3, 4, Block F

Property Recording Information: Hays County
Volume/Cabinet No. _____

Page/Slide No. _____

3. Ownership Information:

Name of Property Owner(s): DDR DB KYLE LP

By DDR Kyle Holdings LLC, its General Partner

Certified Public Notary:

This document was acknowledged before me on the 30th day of November, 2020, by
DDR Kyle Holdings LLC, the General Partner of DDR DB Kyle LP (Owner).

Elizabeth A. Berry
Notary Public State of Ohio

(Seal)

ELIZABETH A. BERRY
Notary Public, State of Ohio, Geauga Cty.
My Commission Expires 4/15/23

(If property ownership is in the name of a partnership, corporation, joint venture, trust or other entity, please list the official name of the entity and the name of the managing partner.)

Address of Owner: 3300 Enterprise Pkwy
Beachwood, OH 44122

Phone Number: _____

Fax Number: _____

Email Number: _____

I hereby request that my property, as described above, be considered for rezoning:

Signed: Michael S. Owendoff

Date: Nov. 30, 2020 Michael S. Owendoff, Deputy General Counsel

4. Agent Information:

If an agent is representing the owner of the property, please complete the following information:

Agent's Name: Travis Sawvell

Agent's Address: 1703 W. 5th, Suite 850, Austin, TX 78750

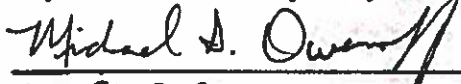
Agent's Phone Number: (512) 368-7086

Agent's Fax Number: (737)346-3555

Agent's Mobile Number: (512) 810-8154

Agent's Email Number: travis.sawvell@am.ill.com

I hereby authorize the person named above to act as my agent in processing this application before the Planning and Zoning Commission and City Council of the City of Kyle:

Owner's Signature: 

Date: Nov. 30, 2020 Michael S. Owendoff, Deputy General Counsel

*Do Not Write Below This Line
Staff Will Complete*

Tax Certificates: County School City

Certified List of Property Owners Within 200"

All Fees Paid: Filing/Application Mail Out Costs

Attached Map of Subject Property

Accepted for Processing By: _____ Date: _____

Date of Public Notification in Newspaper: _____

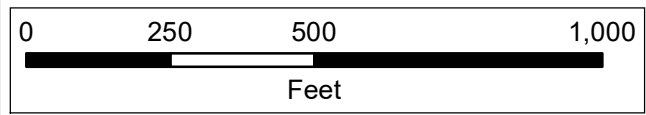
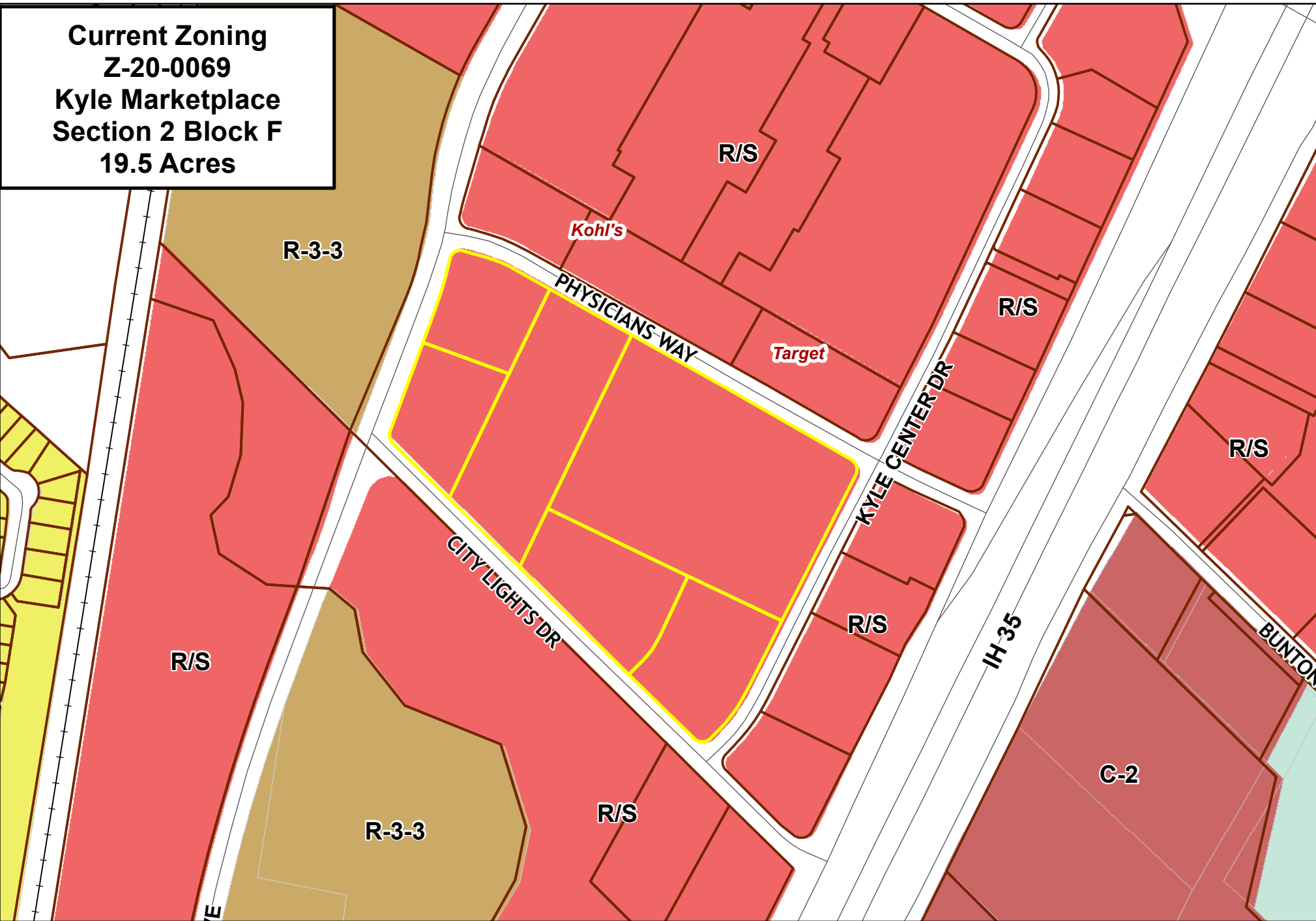
Date of Public Hearing Before Planning and Zoning Commission: _____

Date of Public Hearing Before City Council: _____

**Proposed Rezoning
Kyle Marketplace Section 2,
LOT 1, 1B, 1C, 2, 3, 4,
Block F**



Current Zoning
Z-20-0069
Kyle Marketplace
Section 2 Block F
19.5 Acres



 Property Location
Item # 18

 Parcel Lines

Landuse Districts
Z-20-0069
Kyle Marketplace
Section 2 Block F
19.5 Acres

Riparian
Landscape

Super
Regional
Node

Mid-Town
Community

Core Area
Transition
Community

MARKETPLACE AVE

S FM 1626

PHYSICIANS WAY

KYLE CENTER DR

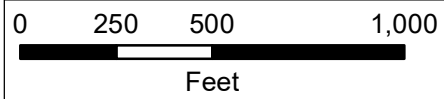
MARKETPLACE AVE

CITY LIGHTS DR

IH 35

BUNTON CREEK RD

Plum Creek



Property Location
Item # 18

Parcel Lines



CITY OF KYLE

Planning Department

100 W. Center Street, Kyle, Texas 78640 (512) 262-1010

NOTICE OF PUBLIC HEARINGS ON A PROPOSED ZONING CHANGE (Z-20-0069)

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS

The City of Kyle shall hold a public hearing on a request by DDR DB Kyle LP (Z-20-0069) to rezone approximately 19.5 acres of land from Retail Service District 'RS' to Multi-Family Residential-3 'R-3-3' for property located at 5492 Kyle Center Drive, in Hays County, Texas.

A public hearing will be held by the Planning and Zoning Commission on **Tuesday, January 12, 2021 at 6:30 P.M.**

A public hearing will be held by the Kyle City Council on **Tuesday, January 19, 2021 at 7:00 P.M.**

This is planned as a virtual meeting taking place at www.cityofkyle/kyletv/kyle10-live. Should the COVID-19 disaster be repealed between the date of this notice and the date of the public hearing, the location will be at Kyle City Hall, 100 W. Center Street, Kyle, Texas, 78640. Please check the agenda for the proper location.

Owner: DDR DB Kyle LP - Agent: Robert O'Farrell, CSW Development (512) 368-7025



You may send your written comments to the Planning Department, 100 W. Center St., Kyle, Texas 78640

(attention: Zoning File # Z-20-0069)

Name: Ahmed H. Jefferally Address: 5537 Kyle Center Drive
Kyle TX 78640

I am in favor, this is why It would be a
Great addition to the Area.

I am not if favor, and this is why _____

My name is Mike Rubsam, I serve on the Kyle Ethics Commission and served 4 terms as a P&Z Commissioner for the city beginning in 2007 when Kyle was commencing it's accelerated growth spurt.

I was on the Commission when the final plat and zoning was assigned to that very large tract of land bounded by the railroad, 1626, I35 and just north of Plum Creek. We all gave it a lot of thought and decided to set it aside for future RS zone development as Kyle's population continued to grow. Well, it is still growing and that area is the logical spot for new retail business to locate.

It is true that extending Marketplace through the western region of that area did change things a bit and I'm glad to have it there but can we please confine the expansion of new apartments to the west side of Marketplace Ave. and maintain RS zoning for the property east of Marketplace?

This was the original vision for that tract of land and I see no reason to change it while our city is still growing and new retail development space will continue to be in demand. Please keep the new apartment development land west of Marketplace Avenue.



CITY OF KYLE, TEXAS

Texas Downtown Association

Meeting Date: 2/2/2021

Date time: 7:00 PM

Subject/Recommendation: Discussion and Update of activity related to the Texas Downtown Association plan for Kyle. ~ *Michael Tobias and Dex Ellison, Council Members*

Other Information: More information can be found online at <https://www.cityofkyle.com/bc-pzc/downtown-revitalization>.

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- Downtown Kyle Assessment Report
- Downtown Assessment Presentation

Downtown Kyle Assessment Report



*Prepared by the Texas Downtown Association for the City of Kyle
October 2019*

The Texas Downtown Association (TDA) was invited to complete a downtown assessment on Friday, August 23, 2019.

TDA was founded in 1985 to connect and serve communities dedicated to downtown development and revitalization. Today the organization serves over 300 members representing cities and towns of all sizes, economic development corporations, chambers of commerce, nonprofit organizations including downtown merchant groups, small businesses, and individuals from across the state. We believe that downtown is a mirror of your community. A vibrant downtown is likely to reflect a vibrant community that attracts residents, primary job creators, visitors, small businesses, and investors.

Prior to the assessment, TDA staff visited with Mayor Pro Tem Dex Ellison and City Manager Scott Sellers to discuss current downtown challenges and opportunities. An online survey was shared with downtown business owners to get their feedback on a variety of issues, and City representatives completed a questionnaire about available resources, community partners, and current programming. All of this information was shared with assessment team members.

Team members were selected based on their skills, experience, and contributions to downtown and commercial district development.

Team members included:

Eric Davis, Cobalt Real Estate Development

Kyle Kramm, City of Seguin

Sheila Scarborough, Tourism Currents

Faith Schexnayder, Flatfork Studios

Catherine Sak, Texas Downtown Association

The visit began with a meeting of over 40 stakeholders in the Council Chambers at Kyle City Hall. Attendees included residents, business owners, real estate professionals, nonprofits, City Council members, Chamber staff and members, and representatives from community partners and organizations. The group discussed downtown issues, what makes Downtown Kyle unique, and the current status of downtown.

After the morning stakeholder meeting wrapped up, the team took a self-guided walking tour through downtown, took notes, and visited with business owners. In the afternoon, the team reconvened at Kyle City Hall to meet with stakeholders and share initial observations and recommendations.

Initial Observations – Downtown Kyle

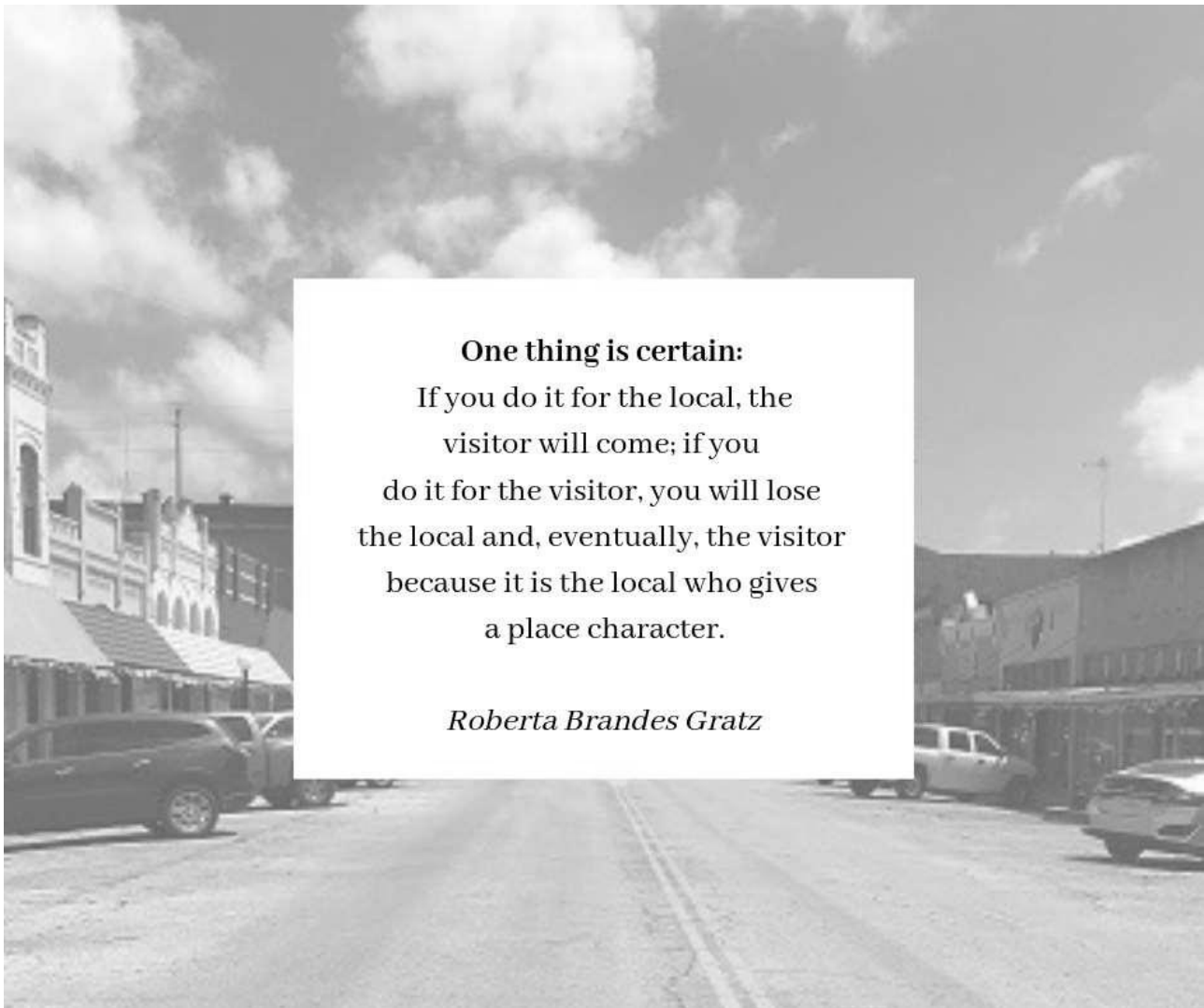
- No clear vision for downtown.
- Kyle has seen explosive growth over the last twenty years but downtown has not been a priority.
- The district's proximity to Interstate 35 is a curse and a blessing. The district is easy to access but is also a major thoroughfare for truck and pedestrian vehicle traffic.
- Similarly, the train crossing backs traffic up into downtown but this gives time for people to check out their surroundings and time to notice new businesses or events.
- There is only one light-protected crosswalk in the core of downtown. Would it be possible to add traffic calming measures or otherwise improve pedestrian safety?
- Since downtown has limited retail, the City will need to be creative in attracting locals and visitors.
- The Krug Activity Center/Old City Hall is primarily used for activities for local senior citizens.
- Wayfinding signage is needed so that people know where they are and how to navigate through the City. Current signage is limited and much of it directs drivers to various home builders and/or subdivisions.
- Lack of connected sidewalks around downtown has a negative impact on walkability.
- Time to go all in on Pie Capital of Texas brand.
- Focus on the core of downtown to maximize impact and leverage limited resources.
- While other downtowns in Texas are trying to attract residential development, Downtown Kyle is easily accessible to residents in adjacent neighborhoods.

Short Term Recommendations

Downtown Vision

There doesn't seem to be a clear vision of what downtown is today, or what it should be in the future. We encourage the City to engage downtown business owners, property owners, and residents from adjacent neighborhoods in thoughtful discussion.

A clear vision for downtown would be helpful to current downtown property owners, potential investors, and help the City, downtown businesses, and community partners promote Downtown Kyle to a wider audience. First and foremost, however, downtown should be a place for locals.



One thing is certain:
If you do it for the local, the
visitor will come; if you
do it for the visitor, you will lose
the local and, eventually, the visitor
because it is the local who gives
a place character.

Roberta Brandes Gratz

Survey residents about what they want to see downtown with regard to businesses, art, and events. Start with residents in neighborhoods adjacent to downtown and expand to residents of newer subdivisions. Survey templates from Corsicana and Seguin are included as attachments to this report.

Survey businesses about their needs and preferred methods of communication. Offer both print and online versions and have staff walk the blocks to distribute to owners.

Downtown Overlay

Currently there is not a defined downtown district in Kyle and no guidelines for design or development. It's imperative that the City have this in place to guide development and revitalization efforts.

Ideally, the overlay will help protect what historic fabric remains in downtown and encourage appropriate redevelopment.

Downtown zoning districts should also be reviewed and updated at this time. The two zoning designations for downtown are CBD-1 and CBD-2 with CBD-2 as the primary designation for the downtown core. City staff should review the list of permitted uses for both categories, but especially CBD-2, and make adjustments. Research what uses are permitted in successful downtowns and adopt into City code.

Promote the overlay and its benefits to the community as well as potential downtown stakeholders

Pedestrian Safety

The main downtown thoroughfare is Center Street/State Highway 150 which has an annual average daily traffic (AADT) count of approximately 13,000, according to 2018 statistics from TXDOT. The volume of traffic can be discouraging to downtown pedestrians and visitors but traffic calming measures would help.

The City of Brenham recently installed the signs shown below in their downtown on US Highway 290-Business/S. Market Street with the approval of TXDOT. This highway has an AADT closer to 8,000 which is less than Kyle's but still significant.



Photo credits: Seneca McAdams

Work with TXDOT to develop solutions. A speed reader or sign notifying drivers that they're entering a pedestrian area could be helpful.

Finally, the City must prioritize sidewalk construction in the downtown core to encourage pedestrian activity. Incomplete sidewalks - or lack of sidewalks - altogether is challenging for pedestrians and forces them into oncoming traffic or ditches.

Downtown Staff

The City should dedicate staff to downtown. As of right now there is no one person who can focus on small business recruitment and retention, partnership development, planning, events, and resource development. Instead these activities are divided up among Parks and Recreation and Economic Development.

Downtown Field Trips

Downtown Kyle representatives should plan field trips to other downtowns. Schedule visits with city staff, elected officials, economic development staff, chamber of commerce representatives, and small business owners.

Field trips are an excellent way to learn from other communities and learn about successes and failures. There are a number of diverse downtowns in Central Texas which would not require significant travel or expenses. TDA is happy to provide contact information so these visits can be planned.

Downtown Businesses

Downtown Organization

We strongly encourage downtown business owners and attractions to start a downtown organization. This type of organization would allow downtown stakeholders to come together under one umbrella and advocate for downtown, coordinate events, and cross promote. We're happy to share contact information with other downtown groups in other parts of Texas and sample bylaws.

The City can attract residents and visitors to downtown but they can't force anyone to be a customer. It is up to business owners to market themselves and to build their customer bases.

Start with a closed Facebook group that will allow downtown business stakeholders to learn about each other, share news and ideas, and provide support. Facebook groups like this have proven popular in other downtowns and helped to create a sense of community that didn't previously exist.

Downtown Business Marketing

We recommend two specific actions to improve online presence and make it easier for potential customers to find downtown businesses:

1. Each business should claim their listing on Google My Business. Complete the profile and be sure that name, address, phone number, and hours are correct. Indicate in the description that the location is Downtown Kyle. Post a few photos of the interior and exterior. Make sure to respond to

reviews – both good and bad – and always be gracious. Businesses can post news, updates, and info about sales on their profile.

2. Have an active presence on at least one social network. For most businesses that means having an active Facebook page. Post a mix of text updates, links, photos, and video, at a minimum of 3-5 times per week. Use posts to highlight and cross promote another downtown business attraction or upcoming downtown event. Businesses should promote social media channels on email marketing. Be prepared to maintain a small budget to fund ads on social media channels, which are very affordable and allow businesses to reach more potential customers.

City Branding and Marketing



The City has declared itself The Pie Capital of Texas, and it's time to go all in on this brand. Decide on a hashtag, use it consistently, and encourage downtown businesses and attractions to use it as well. The CertiPIEd program has attracted some business partners, but at least one is no longer open and should be removed from the listing on the City's website.

Consider adding pie themed events throughout the year and locate them downtown. There are a number of national pie holidays (National Pie Day, January 23; National Pi Day, March 14, also multiple holidays for different flavored pies) that could be celebrated and of course, you can always make up your own.

An expanded marketing effort might help sway some of the naysayers who don't understand the City's decision to focus on this brand.

Events

The City's Parks and Recreation department hosts a number of events on the Square including Second Saturday Market Days (April-September), Movie on the Square (May-August), Trick or Treat on Center Street, and Christmas activities.

Refreshing Market Days could increase attendance and attract new vendors. A number of communities in Central Texas host market days and farmer's markets on Saturday morning but this is when many families are committed to sports or other events.

Sulphur Springs was in a similar situation to Kyle and decided to make some changes. They maintained a small Saturday morning market featuring local produce only, and introduced a new Saturday evening event to attract residents and visitors from the Metroplex. City staff recruited farmers, cottage and prepared food vendors, local arts and crafts businesses, and added live music and activities for kids. Their attendance increased dramatically and they were able to attract vendors from Dallas and beyond.



Photo credit: City of Sulphur Springs

Curate vendors who will compliment downtown offerings and offer unique products and services. Most event attendees are not looking to discover mortgage providers, replacement window providers, or insurance agents. Visit events in other communities to connect with new vendors and share information about opportunities to participate in Kyle events.

Keep in mind that different types of events serve different purposes. While many communities host quality of life events such as fall festivals, Christmas parades, and fireworks on Independence Day, these are community spirit events and contribute to residents' quality of life. Events can be used to fundraise for downtown projects and programs, or to directly support small businesses by attracting foot traffic or exposing event goers to what downtown has to offer.

Hosting a variety of events will contribute greatly to downtown. One important reminder is that event production takes time and resources, and City staff can't be saddled with running endless events. If the goal is to increase number of downtown events, the City can invite other community partners to host their events on the square when appropriate, and downtown businesses may organize events and activities as well.

Engage Youth

Kyle is home to a number of families with kids of all ages. Downtowns that include a variety of business types and events are more likely to attract families, many of whom would like to stay in Kyle rather than travel to other communities to shop and play.

Brenham

The City of Brenham started hosting a Local History Day in 2013. The City partnered with local historic organizations to promote downtown and Brenham's rich history during National Preservation Month. School children attend the event with teachers and parents and visit with costumed actors who share stories of Brenham's past.



Photo credits: City of Brenham

Waxahachie

One of the most popular events in Downtown Waxahachie is Farm to Table on the Square, which features a multi-course meal utilizing locally produced ingredients. The meals are prepared and served by Waxahachie High School Culinary Arts students with assistance from students in the Arts and Agriculture programs. All profits from the event are reinvested in the programs.

Other communities have similar events that use local restaurants and caterers to produce the meal. Mount Vernon's Harvest on Main raised over \$13,000 for downtown projects and programs in its second year, with the support of sponsors.



Photo credit: City of Waxahachie

Create an ad hoc committee of local high school students who can provide input and ideas for downtown. Partner with Hays CISD to identify potential volunteers and have the group meet monthly over three to six months to discuss ideas from other communities and get feedback. Talk to district leaders about hosting a pep rally for the local high school teams or for school performances at any grade level in downtown. If the City can get the kids downtown, then parents and family members are sure to follow.

Arts and Culture

The arts contribute billions to the national economy on an annual basis. Downtown Kyle needs public art not only to add color to the district, but also to attract visitors, many of whom are looking for the perfect place for a selfie or group photo.

Paris

The City of Paris has a selfie spot in a vacant lot that's used for their annual pumpkin patch each fall, which attracts thousands to downtown. The letters were made by the City's Public Works department and allow visitors to become part of the art. They had been installed in another vacant lot a few years ago, and when the property was redeveloped it was easy to reinstall the letters in a new location.



Photo credit: Texas Downtown Association

Garland

Organize community art projects so everyone can get involved. Downtown Garland hosted two events this year designed to engage residents of all ages – a paint by number mural and a community sculpture project that repurposed plastic water bottles. Both of these projects attracted and engaged people of all ages - many of whom were not regular visitors to the district.



Photo credits: Robert A. Smith, Downtown Garland

Shop Local

There is not currently an active shop local program in place in Kyle. While there are a lot of retail choices in Kyle, including many big box stores and national chains, less than 14 percent of each purchase at these businesses is recirculated locally. Comparatively, 48 percent of each purchase at an independent small business is recirculated through the community.

(<https://www.amiba.net/resources/multiplier-effect/>).

Start by actively participating in Shop Small Saturday scheduled annually for the Saturday after Thanksgiving even though Chamber and City representatives mentioned that businesses didn't participate in previous years. Sign up as a Neighborhood Champion and once the swag arrives deliver it to local businesses.

The 3/50 Project is another resource worth exploring. The Project was the precursor to Shop Small Saturday and encourages people to choose three local businesses to support and commit to spending \$50.00 monthly with them.

Downtown Funding & Incentives

Funding for Downtown Development & Revitalization

Currently there is not dedicated funding for downtown. The City collects approximately \$250,000 in Hotel Occupancy Taxes (HOT) annually but it is committed to events outside of downtown and could be used in the future for development of the Uptown district.

HOT funds could be used to fund staff, public art, and preservation projects. A Tax Increment Reinvestment Zone (TIRZ) dedicated to downtown could also help fund downtown projects.

A number of TDA members including Denton, Georgetown, McKinney, and Sulphur Springs have developed TIRZ to support downtown revitalization and have had positive results. We're happy to provide contact information for those communities and others who can provide firsthand experience.

Incentives

Research downtown and small business incentives offered by Central Texas communities as well as similarly sized communities in other parts of the state.

The Buda EDC offers a small business permitting incentive to assist small businesses that aren't eligible for larger incentives or grants. The City of Taylor sponsors a rental reimbursement program for specific business types that locate downtown. Link to these programs are included in the Resources section.

Façade and signage grants have been successful in other communities. Kyle representatives mentioned that no one had taken advantage of similar programs in the past but they may be worth exploring once again.

Even a small paint grant program could go a long way to improving downtown's appearance.

Mid-Range Recommendations

Entrepreneurship

Attracting entrepreneurs was mentioned often during the assessment visit but there aren't any resources for local entrepreneurs in Kyle at this time.

Denton

Coworking spaces are an excellent way to provide places for entrepreneurs to get their businesses off the ground and network with like-minded people. Downtown Denton's Stoke Coworking was started with support from the City and offers memberships at a variety of levels.

Mesquite

Mesquite recently kicked off a series of workshops – "Entrepreneurship to the Fourth Power" – to assist budding entrepreneurs. The series began in June with a session on business planning and also offered sessions on funding, marketing, and budgeting and financials. The workshops are offered by the Mesquite Business Retention and Expansion partnership (BRE) in conjunction with the Small Business Administration (SBA) and the Dallas Metropolitan Small Business Development Center (SBDC).



Tyler

Downtown Tyler is home to Innovation Pipeline, which serves multiple purposes including makerspace (with 3D printer and other equipment), business development workshops, recording studio, and sound lab. The project has its roots in the City of Tyler Master Plan adopted back in 2007, which called for investment in downtown arts and innovation. The IP is located in a city-owned building that had been vacant for years.



Photo credits: City of Tyler

Retail Recruitment and Retention

Kyle Economic Development staff mentioned that a new position could be created for retail recruitment and retention. This staff person will be a huge asset to the community and to economic development efforts.

The City's 2017 retail gap analysis report shows a number of opportunities for small business development and these uses are perfect for downtown. The City should use the report in recruitment efforts so potential business owners are aware of the market.

Make it easy for potential business owners to access information about permitting, business resources, and incentives. The City of Sulphur Springs website offers detailed information and links that are easy to find. See the link in the Resources section.

Partnerships

Strong partnerships are vital for strong downtowns. Developing meaningful relationships with community organizations will help expand volunteer capacity, develop downtown ambassadors, and potentially expand opportunities.

Dispatch downtown leaders to share information about downtown plans and efforts with potential partners and present updates at their gatherings/meetings/services.

Partners to cultivate: Hays CISD; downtown churches; community service organizations.

Signage

Currently there is no wayfinding signage in place that directs people downtown or to attractions. The only signage in place directs people to homebuilders or subdivisions.

The City charges \$100.00 for sandwich board signs on Center Street. We encourage the City to abandon the fee and move to a registration system instead. Another option would be for City owned signage installed at intersections directing downtown visitors to businesses located off Center Street. Similar signage has been installed in both Georgetown and McKinney which is updated regularly as businesses open and close.



Photo credit: City of McKinney

Art

Incorporating art into downtown will take time, and different projects will emerge as downtown development and revitalization efforts mature.

Amarillo

Center City of Amarillo recently hosted the Hoodoo Mural Festival which features large scale murals installed on downtown buildings that had previously been painted.



Photo credits: Center City of Amarillo

Mansfield

Downtown Mansfield has emerged as an arts destination, thanks in part to local artists and the Mansfield Commission on the Arts. There are murals of all sizes in every corner of downtown. The City purchased the historic theater and has ongoing programming that attracts visitors from near and far. A vacant lot was purchased by a nonprofit group and converted into a family friendly live music and performance venue. These investments in downtown have helped recruit new businesses and development of hike and bike trails that connect downtown with surrounding neighborhoods.

Events

Pop up events would be a great way to try new business concepts and uses downtown. The City of Corsicana hosted a pop up weekend a few years ago that featured not only pop up businesses but also a pop up dog park, a pop up beer garden, a pop up nursery run by local high schoolers, and more. By the time the event was over 11 leases had been signed by new businesses.



Photo credits: City of Corsicana

A similar event in Kyle would allow potential downtown business owners to test the market and get feedback from customers.

Shop Local

Shop Local programming should continue to expand as downtown efforts move forward.



Winnsboro Main Street Program launched their Shop Our Town First campaign six years ago to encourage residents to shop local year round. The campaign kicked off with a town hall meeting and featured city representatives and local business owners who shared why shopping local matters. Coupon books, branding, and advertising were all used to build support. Window clings were distributed to all local businesses – not just those downtown - with the program logo, so residents had constant visual reminders.

In one year businesses throughout the City reported higher sales and sales tax collections, allowing the EDC to expand their programs.

Funding Sources

Research potential funding sources to consider for the future.

Community Foundations

Community foundations can be a tool to raise funding for downtown projects. Brady created the Heart of Texas Community Foundation (HTCF) a 501 (c)(3) nonprofit to benefit downtown. Their inaugural Farm to Table Dinner held earlier this year was designed to raise funds for HTCF to support future downtown improvements. Eventually the foundation will contribute to community wide projects. Requirements for funding are not as stringent as grants or loans for public funds such as EDC.

Similarly, San Saba's Community Foundation supports their downtown initiative and the annual Catkins Ball is a successful event that consistently raises funds for downtown projects.

Public Benefit Corporation

Research Public Benefit Corporations (PBCs) as a potential funding source for future projects. PBCs are relatively new to Texas, having been adopted by the Legislature in 2017. A public benefit corporation is a domestic for-profit corporation that is intended to produce a public benefit and to operate in a responsible and sustainable manner. The owners of the Crazy Water Hotel in Mineral Wells recently founded a PBC in order to fund the renovation of the hotel and allow for multiple (local) investors to contribute.

This tool could be used for projects in Downtown Kyle and would allow for local residents and investors to contribute to downtown development and revitalization. Look for additional information in the Resources section of this report.



Photo credit: Crazy Water Hotel, Texas Historical Commission

Hays County Emergency Services District

The District owns two key buildings in Downtown Kyle – 108 S. Burleson and 201 S. Burleson. What are the long term plans for these buildings? Both properties are in poor shape and underutilized considering their key location in downtown.

When an assessment team member revisited Downtown Kyle during the most recent Market Days (October 12) there were trailers and cars parked in the front yard of 201 S. Burleson despite plentiful on-street parking. Government entities set the standard for other property owners, and this sends the wrong message.

Long Term Recommendations

Downtown Bypass

Once the Downtown Bypass is constructed, traffic through downtown will decrease which will improve walkability. Ongoing marketing and promotions for downtown will be necessary to attract visitors – both local and out of towners – to the district.

Krug Activity Center

The city's commitment to providing space for activities for senior citizen is commendable, but the Activity Center City Hall is the wrong location. It's our understanding that fundraising is underway to build a new senior center in another part of town and we encourage the City's support for this effort.

The Activity Center is the heart of downtown and should be available and utilized for all members of the community. This would be an ideal location for downtown staff, small events, art shows, and more.

Connectivity

The 2016 Kyle Parks and Recreation Master Plan suggested developing a trail system adjacent to the BNSF line that would connect the downtown area with the Blanco River and Five Mile Dam Park. This would be an excellent step to connect downtown with other neighborhoods and encourage alternative transportation.

Infrastructure

Like the rest of the United States, Kyle will need to plan for future infrastructure improvements and maintenance, especially in downtown. The good news is that this infrastructure is already in place.

Construction projects can be expensive and chaotic so it will be necessary to plan ahead to avoid negative impacts. Temporary signage rules, marketing support, and targeted promotions will help. Our favorite example is from Round Rock. During downtown street construction, City of Round Rock staff members were dispatched to the streets to share doughnuts from a well-known local business with drivers stuck in the traffic.

Similarly, changes in technology will also require updates at multiple levels. High speed internet is a must for communities that want to attract tech related businesses and even small businesses that need internet to transact business on a daily basis.

Downtown Trends

Continue to monitor downtown trends. New ideas, concepts, and business ideas emerge every day in downtowns across the country and Kyle shouldn't be left behind.

Attracting Visitors

Today there are limited downtown attractions that entice visitors, but in the future there could be more that will draw visitors from other parts of the state. Kyle will need to commit resources to connecting with those visitors and providing services to them.

Conclusions

Downtown revitalization and development does not happen overnight. It takes time to build partnerships, develop effective programming, and attract small businesses. Financially, investing in downtown development makes sense. Downtown Kyle is already tied into existing infrastructure and is the historic heart of the community. Investing in downtown can also lead to other economic development opportunities.

Currently the City is focused on development of the Uptown District, which will require the development of infrastructure, recruitment of businesses, and significant resource allocation. We encourage City leaders to commit to Downtown Kyle to prevent the loss and further deterioration of this important area of the community.

Strong partnerships between primary entities must be built and maintained. To keep these connections alive the City should host monthly or quarterly meetings of key partners to share news and updates, trade upcoming event information, and work on collaborative efforts.

TDA is committed to supporting Kyle as the community moves forward with downtown development and revitalization. Please reach out to our organization and members when assistance and advice is needed.

Resources

Anice Read Fund

TDA's Anice Read Fund was designed to provide gap funding for downtown projects and programs.

<https://www.texasdowntown.org/anice-read-grants.html>

3/50 Project

<http://www.the350project.net/home.html>

Buda EDC

Small business permitting incentive

<https://budaedc.com/incentives>

City of Mesquite/Mesquite EDC

Entrepreneur workshop series

<https://www.cityofmesquite.com/CivicAlerts.aspx?AID=1016>

City of Sulphur Springs

Business information

<http://www.sulphurspringstx.org/employment/permitting.php>

City of Taylor

Rental Assistance Program

<http://www.taylor.tx.gov/DocumentCenter/View/10145/Main-Street---Rental-Assistance-Program-Guidelines-2019>

Innovation Pipeline - Tyler

<https://www.tylerinnovators.com/>

National Day Calendar

Over 1,500 national days, weeks, and months listed here. Search by date or topic. There's a pie holiday almost every month!

<https://nationaldaycalendar.com/>

National Holidays List

Great for marketing and promotions for businesses.

<https://smallbiztrends.com/2017/09/list-of-national-holidays-marketing.html>

Public Benefit Corporations

The Texas Secretary of State website has a FAQ about Public Benefit Corporations that is worth exploring.

<https://www.sos.state.tx.us/corp/formationfaqs.shtml>

Shop Small Saturday

<https://www.americanexpress.com/us/small-business/shop-small/howtoparticipate>

Downtown Kyle Assessment Overview

Presented to the City of Kyle City Council
December 17, 2019



About the Texas Downtown Association

- Founded in 1985
- Independent, statewide, nonprofit organization
- All are welcome
- Variety of programs and services
- Learn more at www.texasdowntown.org

Downtown Assessments

- Offered only to TDA members
- Allows downtown professionals from other communities and regions to meet with stakeholders, tour downtown, and make recommendations for the future.
- Provides the community with a checklist for downtown development and revitalization.

- Downtown is the heart of your community
- Downtown is a recruitment tool.
- Downtown is a retention tool.
- Quality of place matters.

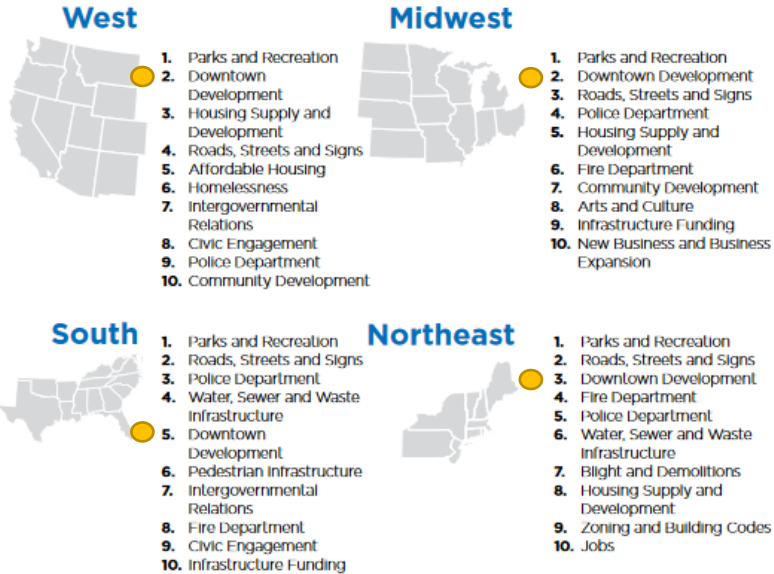
Downtown
is the **MIRROR** of your
Community.



What does yours reflect?

The logo for the Texas Downtown Association. It features a blue star above the word "Texas" in a red, cursive font. Below "Texas" are the words "DOWNTOWN" and "ASSOCIATION" in a smaller, red, sans-serif font, stacked vertically.

Top subtopics by region




Top subtopics by population



Combined Ratings* CORPORATE SURVEY

Site Selection Factors	2018	2017
Ranking		
1. Availability of skilled labor	90.5	88.8 (3) **
2. Labor costs	89.1	91.1 (2)
3. Highway accessibility	87.2	91.3 (1)
4. Corporate tax rate	86.7	83.2 (8)
5. Tax exemptions	83.0	85.9 (5)
6. Quality of life	82.8	87.2 (4)
7. State and local incentives	82.5	81.3 (9)



Source: Area Development Magazine, <https://www.areadevelopment.com/Corporate-Consultants-Survey-Results/Q1-2019/33nd-annual-corporate-survey-15th-annual-consultants-survey.shtml>

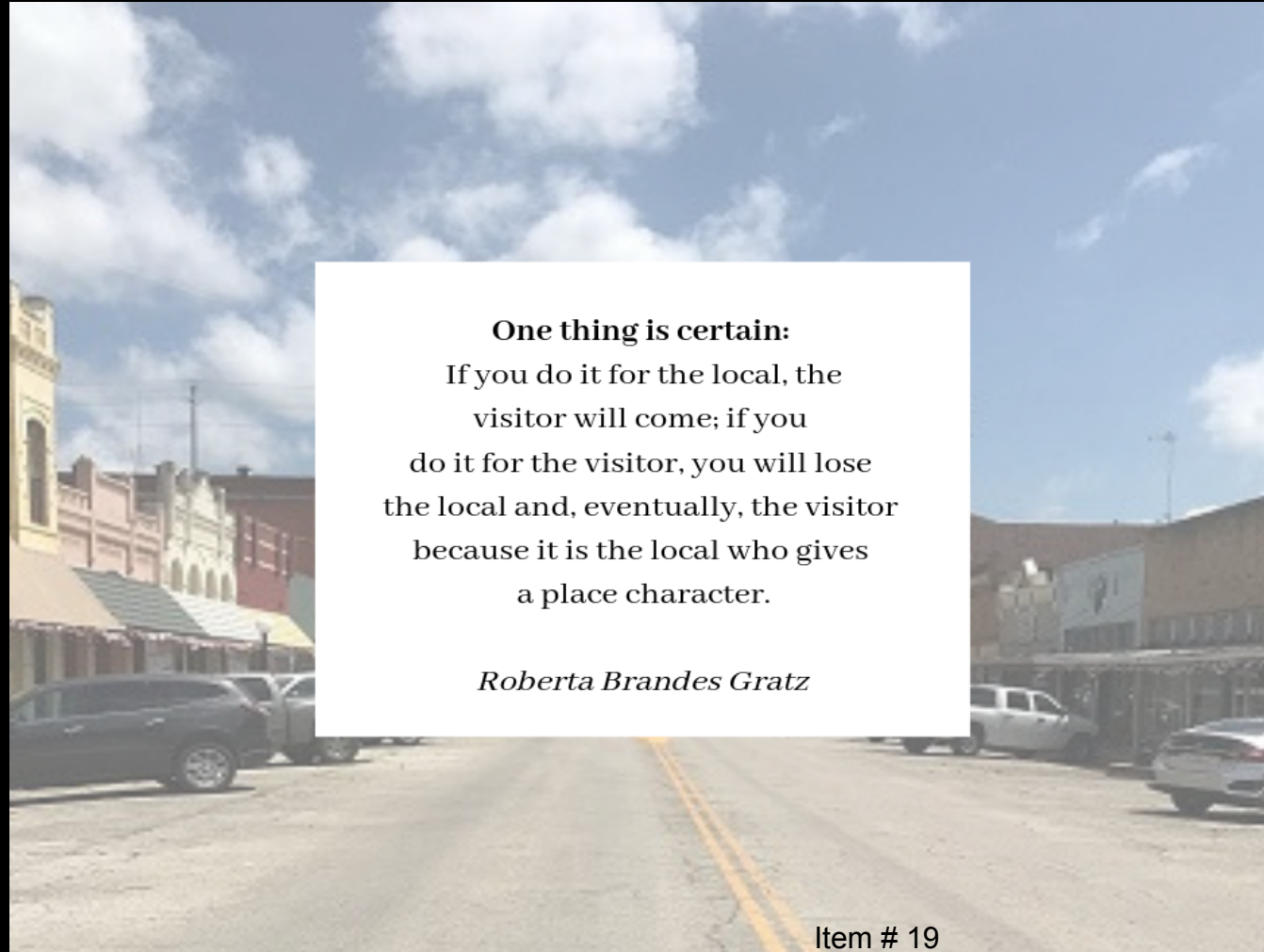
Downtown Kyle – Pros

- Compact downtown
- Historic and cultural heart of the community
- Residential development within, and adjacent to, the district
- Traffic issues related to state highway and railroad
- Dedicated and successful Economic Development and Parks and Recreation staff
- Existing building stock and infrastructure

Downtown Kyle – Cons

- No clear vision
- Competition with other projects
- No dedicated downtown staff
- Traffic issues related to state highway and railroad
- Walkability and perceptions of pedestrian safety

Make Downtown Kyle a Destination for Locals

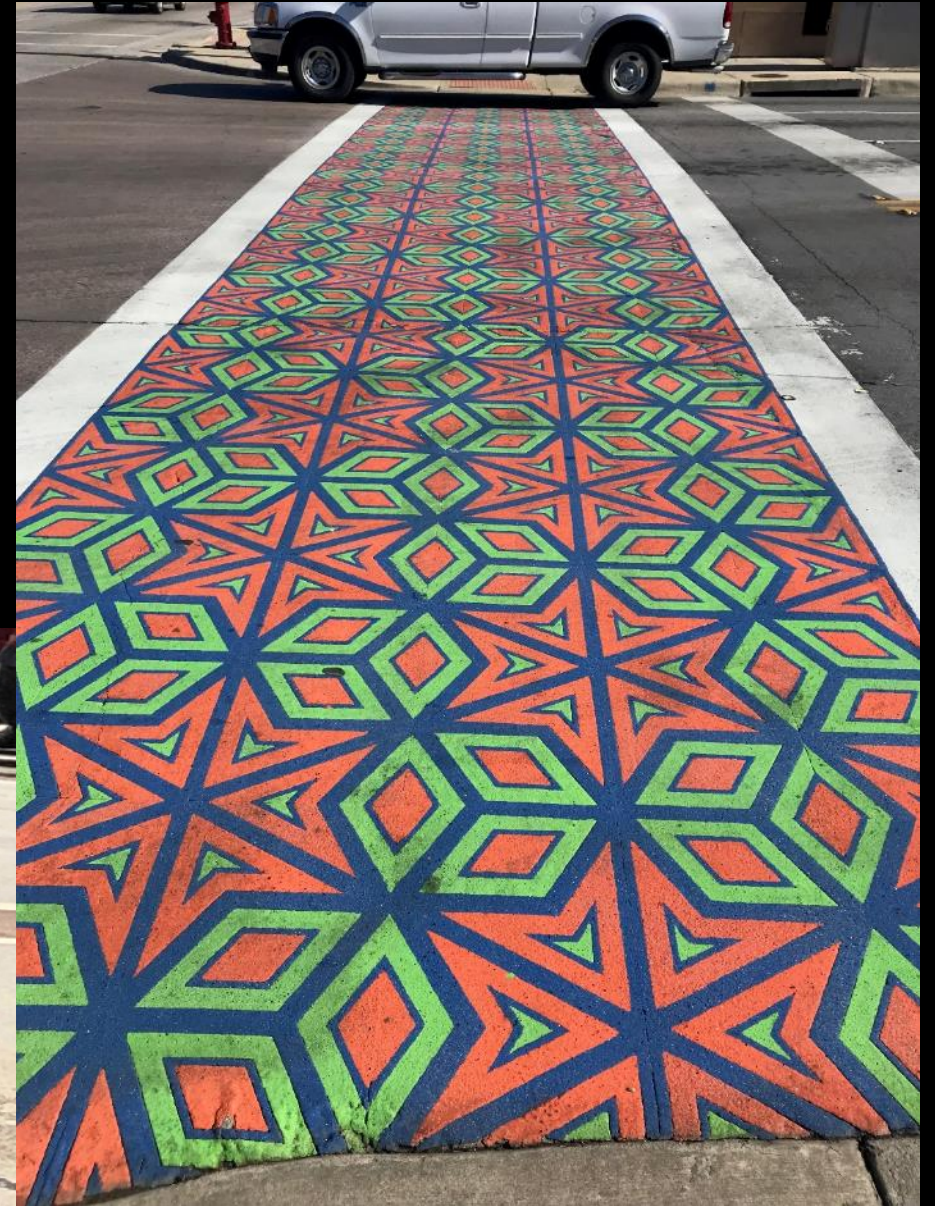


One thing is certain:

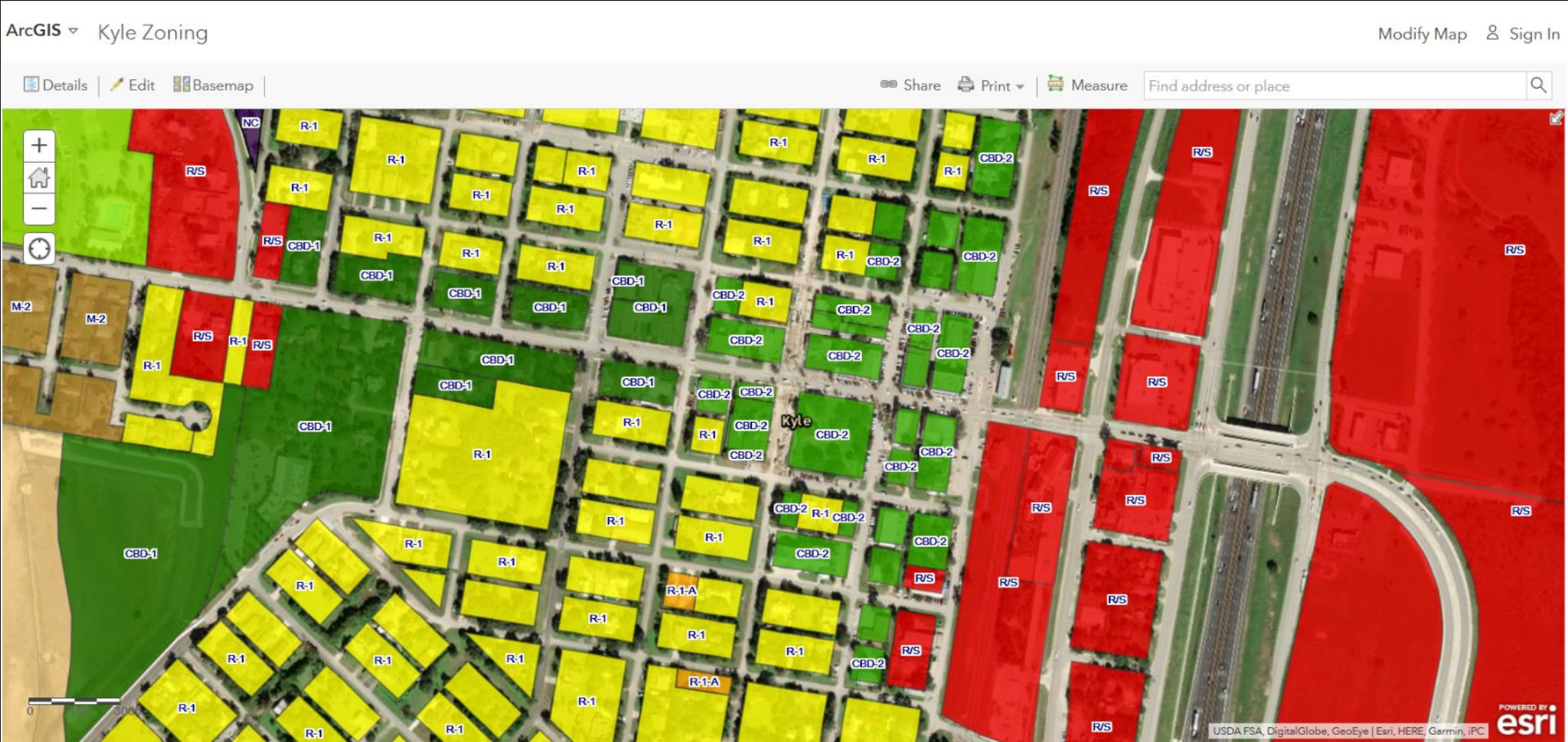
If you do it for the local, the visitor will come; if you do it for the visitor, you will lose the local and, eventually, the visitor because it is the local who gives a place character.

Roberta Brandes Gratz

Improve Walkability



Downtown Overlay & Zoning



Branding & Marketing

*Kyle,
Pie Capital
of Texas*



Small Business & Entrepreneurial Support

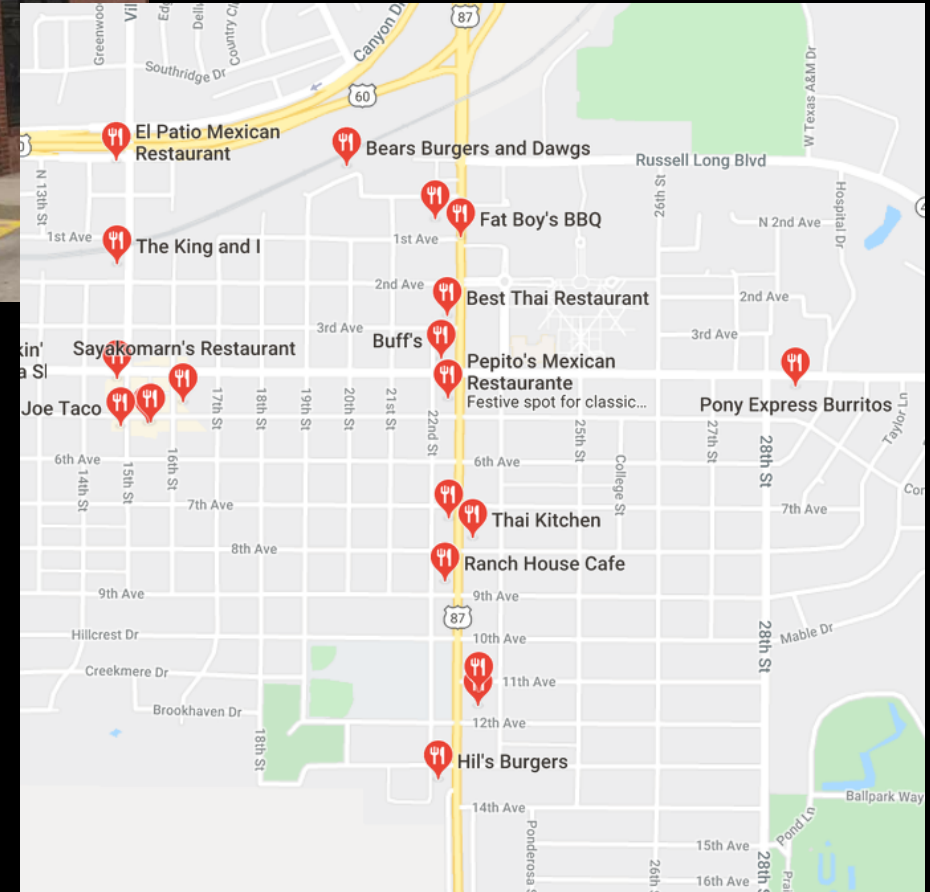
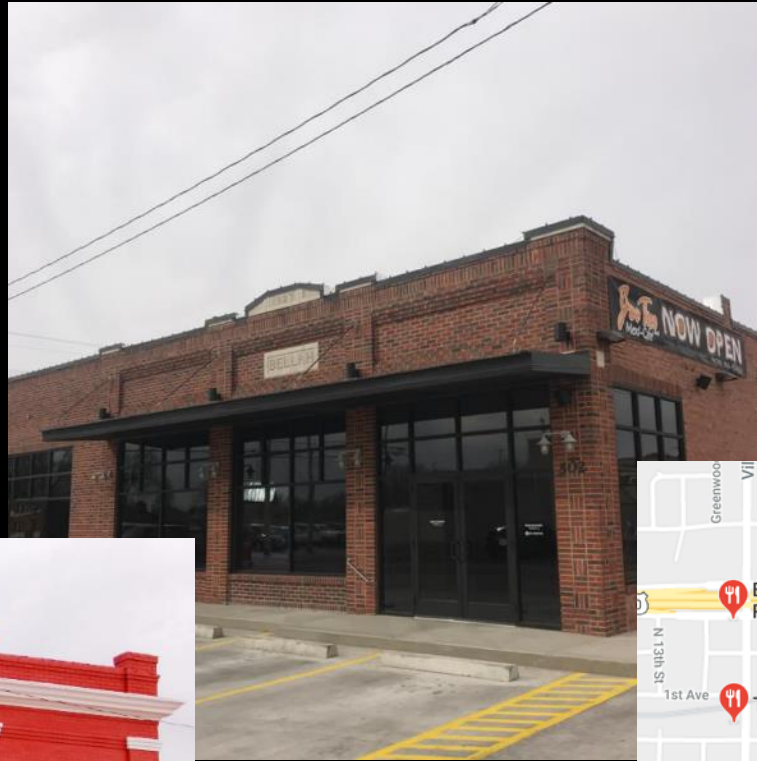
OUR TOWN FIRST



Events



Canyon



Ennis



The bluebonnet spirit of Texas



CITY OF ENNIS BRAND STORY

We are pure Texas. And we're not just saying that like every other Texas town. As the "Official Texas Bluebonnet City," we know what it truly means to epitomize everything Texas.

It's true. You can find bluebonnets throughout our great state. But in Ennis, bluebonnets are more than visual beauty. They give us a certain spirit that's a part of our everyday life. It's why families from all over our state—in fact, from all over the world—make their Texas Bluebonnet memories here. It means family Sunday suppers to Friday night football. Bluebonnet spirit is friendliness, love of neighbors, hospitality and a get-it-done mindset. So, you see, while bluebonnet beauty surrounds you, here it's also a part of you.

Our city began with trains and cotton. Humble, but important in the story of Texas. Today, we see our "South of Dallas" location as a "What's next" advantage. We have the heart of a small town with the energy of a city 10 times our size. Ennis stays with you and is always your home, no matter where else you live. When our town was hurt by a tornado, some might've seen it as a setback. We saw it as an opportunity—to build a better Ennis for ourselves and our visitors. With our Downtown Master Plan to guide us, we'll grow how we want. Not just have growth for the sake of it. Our plan invites community involvement, builds excitement and will give us a better downtown Ennis, which is the heart of our community.

We're in Texas, so you know we love a good time. We bring out the color, fun and culture of our state with our Bluebonnet Festival. This welcoming spirit continues year round from our Christmas parade of lights, to our Blues on Main and to celebrating our Czech heritage with our National Polka Festival. That festival, that began as a casual get-together 53 years ago. Now, it's known beyond our state line and even our country's borders. Believe us, you've never heard and experienced polka like this before.

We want you to get to know us. Once you do, we feel pretty sure you'll like us. We're close by, just south of Dallas. You'll feel the spirit of Texas rise from our bluebonnets. Then, you'll discover why Ennis is the home of "The bluebonnet spirit of Texas."



The bluebonnet spirit of Texas

Garland

ATTENTION GARLAND RESIDENTS



COMMUNITY UPCYCLING SCULPTURE GARDEN

Come Make Your Mark on Downtown's first Community Upcycling Sculpture Garden during the last Sounds of Summer concert!

You will add an accent color to a plastic bottle that is painted one of five vibrant colors. Local artists will take your bottle and use it to create a sculpture!



Friday, July 12
5:30 to 9 p.m.
506 Art on the Downtown Square

MakeYourMarkGarland.com

f t i #ArtlandTX #MYNGarland



Item # 19

Mineral Wells



Murals @ 76067

LEGEND

- Temporary
- Permanent
- Old Advertising Mural
- New to be painted

**LOVE MURALS?
WE'VE GOT 'EM!**

#muralsat76067

#murals@76067

Richmond



Seguin



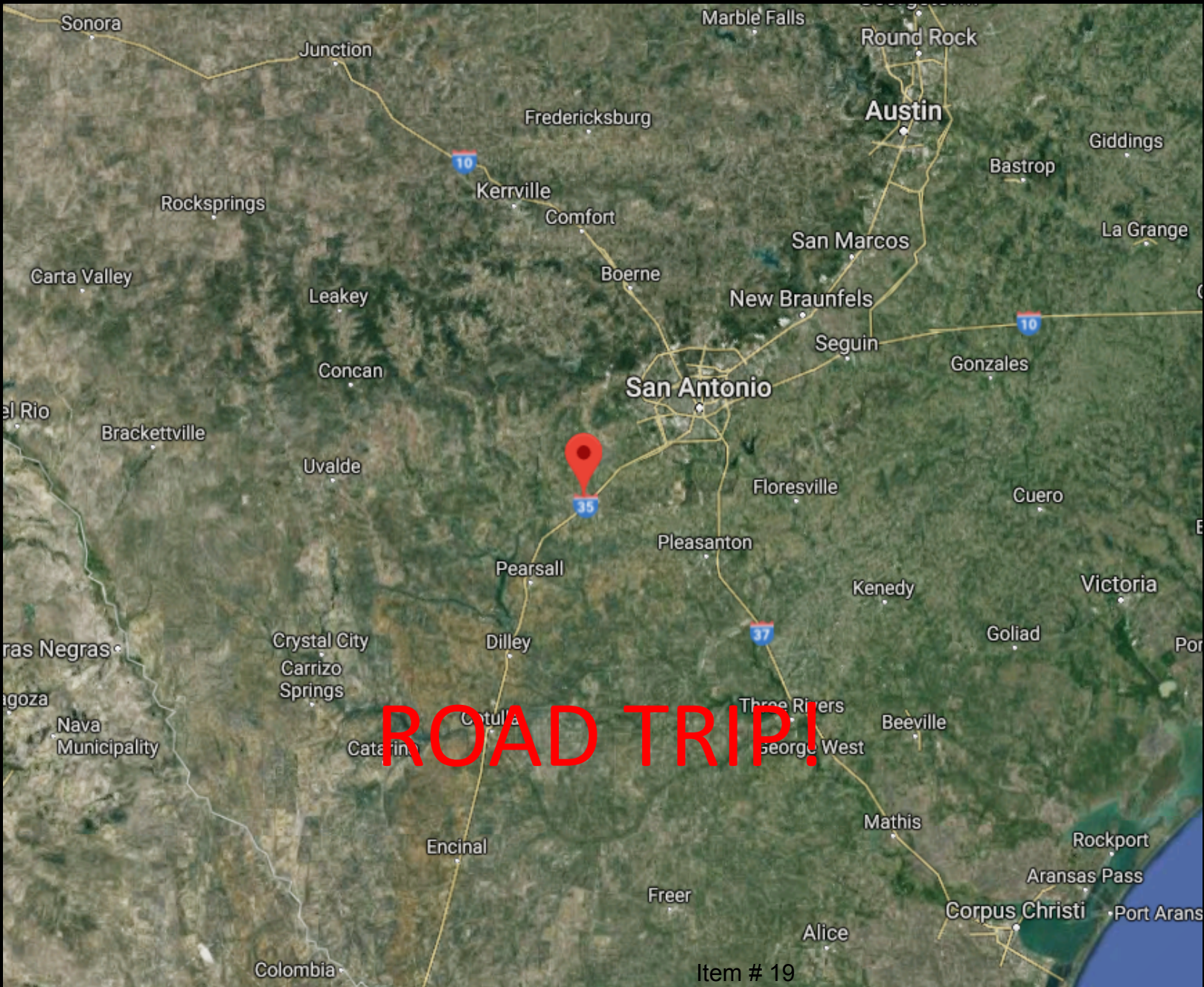
Smithville



Best Practices

- Identify downtown supporters and bring them together
- Road trip!
- Review development codes
- Look forward, not back
- Gather data to track progress
- Develop a plan of action
- Be open to new ideas
- Market your downtown
- Focus on incremental development projects
- Support small businesses







Gathering Data

- Sales tax revenue
- Property values
- Investment
- New businesses
- New employees
- Visitor data

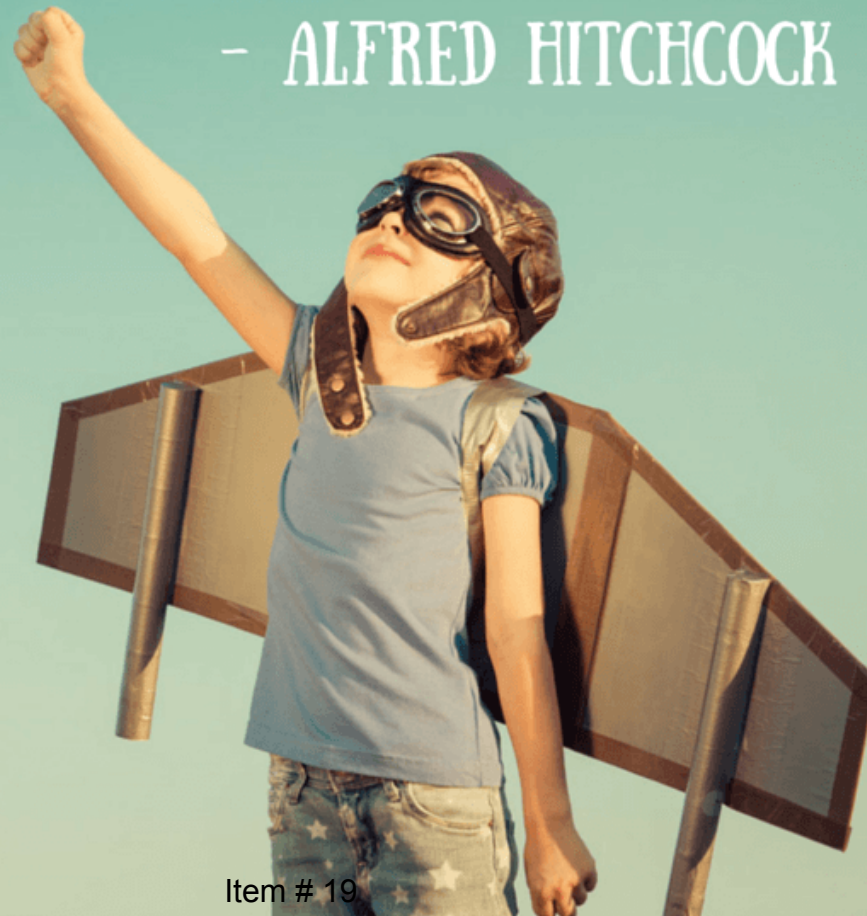


lta

Ideas come from

EVERYTHING.

- ALFRED HITCHCOCK



Item # 19

Let us know how we can help!

Catherine Sak
Executive Director
Texas Downtown Association
catherine@texasdowntown.org
www.texasdowntown.org





CITY OF KYLE, TEXAS

Fee Schedule Amendment

Meeting Date: 2/2/2021

Date time:7:00 PM

Subject/Recommendation: *(First Reading)* An Ordinance of the City of Kyle, Texas, Amending the City of Kyle, TX Code of Ordinances Appendix A - Fee Schedule, to Reflect an Increase in Building Inspection Fees to Cover Costs Associated with Third Party Inspections. ~ *James R. Earp, Assistant City Manager*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- Fee Schedule Amendment memo
- Building Inspection Fee Amendment
- Approved Fee Schedule fy_2021



CITY OF KYLE

Community Development Department



February 2, 2021

To: Kyle Mayor & City Council
 From: Howard J. Koontz, AICP
 Community Development Director
 Re: Amendment to the FY2021 Budget, Fee Schedule

Mr. Mayor & Council:

This item is a request to amend the Building Department fee schedule as approved in the FY2021 Budget. The amendment will increase a few key fees charged by the building department as they relate to issuing building permits and performing on-site inspections, primarily for residential structures. The overwhelming majority of these changes are described in the table, below.

Section(s)	Description	FY2021 Approved	Proposed Amendment	\$ Change	% Change
8-99, 8-102, 8-103, 8-105, 8-106,	Residential Component Inspection	\$ 57.05	\$ 75.25	\$ 18.20	32%
8-102, 8-103, 8-106, 8-152,	Commercial Component Inspection	\$ 69.73	\$ 91.38	\$ 21.65	31%

Additionally, a few other fees are being increased commensurate with the fees being charged to the department. The full list of new fees is contained in Section 2 of the attached ordinance language.

These changes are necessary to compensate for the city's use of third party inspection services. These firms charge the city more than the city currently charges our clients for these services. The increases will cover our service for collecting fees from the building community, and re-paying our third-party providers for the services they render.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING THE CITY OF KYLE, TX CODE OF ORDINANCES APPENDIX A -FEE SCHEDULE TO REFLECT AN INCREASE IN BUILDING INSPECTION FEES TO COVER COSTS ASSOCIATED WITH THIRD PARTY INSPECTIONS

Whereas, Development in the City of Kyle has reached unprecedented levels; and,

Whereas, Developers and builders have requested the City increase its ability to provide building inspections; and,

Whereas, building inspections in the year 2020 exceeded 20,000 individual inspections which is not sustainable without expanded third party assistance; and,

Whereas, third party inspectors are paid by private sector market rates which are higher than the current public rates; and,

Whereas, the City that the cost of inspections should be born by the builder and not subsidized by tax dollars; and,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, THAT:

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. Amendment of Appendix A – Fee Schedule. City of Kyle, Texas, Code of Ordinances is hereby amended insofar, and insofar only, as is herein set forth, and in no other respect whatsoever.

8-102 Bldg Inspection fees (multiplied by the minimum number of inspections required pursuant to codes)

Single- and two-family dwelling	\$75.25
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Multi-family and commercial	\$91.38
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For each inspection requested out of sequence	\$75.25, \$91.38 (as applicable)
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8-103 Bldg Other building permit fees

Demolition permits	\$75.25
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For each required demolition inspection	\$75.25
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Manufactured or mobile home (if not installed by a registered retailer or installer)/job trailer \$75.25

Per required inspection \$75.25

Swimming pools and spas (construction or installation) \$126.79

For each required pool/spa inspection \$75.25

Irrigation and backflow prevention assembly \$75.25

For each required inspection \$75.25

Certain structures with roof \$75.25

Per each required inspection \$75.25

(Construction of porches, patios, decks, carports, storage sheds, etc., under roof and not otherwise permitted)

One- and two-family remodeling and alteration inspections, each \$75.25

(Structural alterations, repairs, and remodeling on all structures, including shell buildings and mobile or manufactured homes, for which a permit is not otherwise required if less than 200 sq. ft.)

One- and two-family residential per required inspection \$75.25

Multifamily and commercial per required inspection \$91.38

Certificate of occupancy fee

(If vacant or unused for one year, an inspection will be performed to determine the requirements to bring the building or other structure into compliance with current city ordinances and life, safety and health codes for the intended occupancy)

One- and two-family residential \$82.41

Multifamily, commercial or industrial \$95.09

Required inspection time (per hour; one-hour minimum) \$82.41

8-105 Bldg Existing buildings and structures

One- and two-family residential \$75.25

Multifamily and commercial	\$91.38
<u>8-106 Bldg</u> Construction in extraterritorial jurisdiction (ETJ)	
Residential (minimum)	\$75.25
Per inspection required	\$75.25
Commercial plumbing	\$91.38
Multifamily and commercial per inspection	\$91.38
Bldg Expired permit late fee	\$63.39
Bldg Building administrative fees	\$63.39
Bldg Holiday/weekend inspection - Commercial base fee	\$91.38
Bldg Holiday/weekend inspection - Residential base fee	\$75.25
Bldg Holiday/weekend inspection - Hourly rate for commercial and residential (one-hour minimum)	\$75.25

Section 3. Amendment of Ordinances. The City of Kyle, Texas Code of Ordinances is hereby amended to the extent of any conflict or inconsistency herewith only and all ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the city, the terms and provisions of this Ordinance shall govern.

Section 4. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

Section 5. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading this ____ day of _____, 2021.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2021.

ATTEST:

THE CITY OF KYLE, TEXAS

Jennifer Holm, City Secretary

Travis Mitchell, Mayor



Fee Schedule – Rates, Fees, & Charges

Approved by City Council
Fiscal Year 2020-2021

City Council Meeting
August 25, 2020

City of Kyle, Texas
Rates, Fees, and Charges Schedule
Approved Fiscal Year 2020-21 Budget

Code Section	Dept.	Description	FY 2020 Approved	FY 2021 Approved	\$ Change	% Change
Admin/General Revenue						
General Administration Fees						
	Admin	Notary Fees Eliminated Effective October 1, 2017				
	Admin	Acknowledgements & Proofs	\$0.00	\$0.00	\$0.00	0%
	Admin	Certified Copies	\$0.00	\$0.00	\$0.00	0%
	Admin	Oaths and Affirmations	\$0.00	\$0.00	\$0.00	0%
	Admin	All other notarial acts not listed	\$0.00	\$0.00	\$0.00	0%
	Admin	*Exception to notary fee for PD and Court activity				
	General	Returned Check Fee (per check)	\$38.06	\$38.06	\$0.00	0%
	General	Black & White Copies (per side of 8 1/2 x 11)	\$0.15	\$0.15	\$0.00	0%
	General	Color Copies (per side of 8 1/2 x 11)	\$0.65	\$0.65	\$0.00	0%
	General	Newspaper Publication Fee	\$190.21	\$190.21	\$0.00	0%
	General	Electronic Payment Processing Fee (per transaction)	\$2.50	\$2.50	\$0.00	0%
		For all Community Development transactions, an additional fee will be added based on the transaction total	2%	2%	\$0.00	0%
Chapter 11. Businesses						
11-99(2)	General	Release of a sealed coin-operated machine	\$15.75	\$15.75	\$0.00	0%
11-131(d)	General	Pool halls license (per table)	\$15.75	\$15.75	\$0.00	0%
Art. IX - Taxicabs						
11-311(a)	General	Taxicabs - Operating permit (maximum of five years)				
	General	First year	\$63.42	\$63.42	\$0.00	0%
	General	Additional years	\$31.71	\$31.71	\$0.00	0%
	General	New permit or expansion of number of taxicabs (per year)	\$63.42	\$63.42	\$0.00	0%
11-314	General	Taxicabs - Replacement permit	\$26.25	\$26.25	\$0.00	0%

Code Section	Dept.	Description	FY 2020 Approved	FY 2021 Approved	\$ Change	% Change
Building Revenue						
Chapter 8. Building Regulations						
Art. IV - Building permit fee components						
8-99	Bldg	Valuation of the work is \$500.00 or less, but one or more inspections are required because work includes structural alterations, mechanical system, etc.	\$50.72	\$50.72	\$0.00	0%
	Bldg	Per required inspection	\$57.05	\$57.05	\$0.00	0%
8-100	Bldg	Base permit fees				
	Bldg	Single-family residential (in square feet)				
	Bldg	900 or less	\$154.92	\$154.92	\$0.00	0%
	Bldg	901--1,200	\$263.38	\$263.38	\$0.00	0%
	Bldg	1,201--1,500	\$356.32	\$356.32	\$0.00	0%
	Bldg	1,501--2,000	\$449.27	\$449.27	\$0.00	0%
	Bldg	2,001--2,500	\$635.18	\$635.18	\$0.00	0%
	Bldg	2,501--3,000	\$914.11	\$914.11	\$0.00	0%
	Bldg	3,001+	\$1,006.98	\$1,006.98	\$0.00	0%
	Bldg	Per each additional 1,000 square feet or fraction	\$79.24	\$79.24	\$0.00	0%
	Bldg	Base permit fees				
	Bldg	Commercial and multifamily (in square feet)				
	Bldg	100 or less	\$148.18	\$148.18	\$0.00	0%
	Bldg	101--500	\$218.71	\$218.71	\$0.00	0%
	Bldg	501--1,000	\$271.20	\$271.20	\$0.00	0%
	Bldg	1,001--1,500	\$375.10	\$375.10	\$0.00	0%
	Bldg	1,501--2,000	\$473.51	\$473.51	\$0.00	0%
	Bldg	2,001--2,500	\$551.44	\$551.44	\$0.00	0%
	Bldg	2,501--3,000	\$612.94	\$612.94	\$0.00	0%
	Bldg	3,001--3,500	\$674.46	\$674.46	\$0.00	0%
	Bldg	3,501--4,000	\$735.96	\$735.96	\$0.00	0%
	Bldg	4,001--4,500	\$797.47	\$797.47	\$0.00	0%
	Bldg	4,501--5,000	\$858.97	\$858.97	\$0.00	0%
	Bldg	5,001--8,000	\$1,228.06	\$1,228.06	\$0.00	0%
	Bldg	8,001--11,000	\$1,870.51	\$1,870.51	\$0.00	0%
	Bldg	11,001--14,000	\$3,059.74	\$3,059.74	\$0.00	0%
	Bldg	14,001--17,000	\$3,428.80	\$3,428.80	\$0.00	0%
	Bldg	17,001--20,000	\$3,797.88	\$3,797.88	\$0.00	0%
	Bldg	20,001--25,000	\$4,686.37	\$4,686.37	\$0.00	0%
	Bldg	25,001--30,000	\$5,301.49	\$5,301.49	\$0.00	0%
	Bldg	30,001--35,000	\$5,914.71	\$5,914.71	\$0.00	0%
	Bldg	35,001+	\$5,914.71	\$5,914.71	\$0.00	0%
	Bldg	Per each additional 1,000 square feet or fraction	\$152.15	\$152.15	\$0.00	0%
8-101	Bldg	Cost to review such plans				
	Bldg	Residential percentage of base fee	25%	25%	\$0.00	0%
	Bldg	Multifamily & Commercial percentage of base fee plus rate/hour for hours worked	25% plus \$107.78/hour	25% plus \$107.78/hour	\$0.00	0%
8-102	Bldg	Inspection fees (multiplied by the minimum number of inspections required pursuant to codes)				
	Bldg	Single-family dwelling	\$57.05	\$57.05	\$0.00	0%
	Bldg	Multi-family and commercial	\$69.73	\$69.73	\$0.00	0%
	Bldg	Inspection fee for testing of lead and no direct connection between public drink	\$57.05	\$57.05	\$0.00	0%

Code Section	Dept.	Description	FY 2020 Approved	FY 2021 Approved	\$ Change	% Change
	Bldg	Reinspections				
	Bldg	Single-family dwellings	\$185.00	\$185.00	\$0.00	0%
	Bldg	Multifamily and commercial	\$222.00	\$222.00	\$0.00	0%
	Bldg	For each inspection requested out of sequence	\$57.07	\$57.07	\$0.00	0%
8-103	Bldg	Other building permit fees				
	Bldg	Moving structures (plus police escort fee)	\$126.79	\$126.79	\$0.00	0%
	Bldg	Demolition permits	\$57.05	\$57.05	\$0.00	0%
	Bldg	For each required demolition inspection	\$57.05	\$57.05	\$0.00	0%
	Bldg	Manufactured or mobile home (if not installed by a registered retailer or installer)/Job Trailer	\$57.05	\$57.05	\$0.00	0%
	Bldg	Per required inspection	\$57.05	\$57.05	\$0.00	0%
	Bldg	Swimming pools and spas (construction or installation)	\$126.79	\$126.79	\$0.00	0%
	Bldg	For each required pool/spa inspection	\$57.05	\$57.05	\$0.00	0%
	Bldg	Irrigation and backflow prevention assembly	\$63.39	\$63.39	\$0.00	0%
	Bldg	For each required inspection	\$50.72	\$50.72	\$0.00	0%
	Bldg	Certain structures with roof	\$63.39	\$63.39	\$0.00	0%
	Bldg	Per each required inspection	\$57.05	\$57.05	\$0.00	0%
	Bldg	(Construction of porches, patios, decks, carports, storage sheds, etc., under roof and not otherwise permitted)				
	Bldg	Remodeling and alterations	\$50.72	\$50.72	\$0.00	0%
	Bldg	(Structural alterations, repairs, and remodeling on all structures, including shell buildings and mobile or manufactured homes, for which a permit is not otherwise required if less than 200 sq. ft.)				
	Bldg	Single-family residential per required inspection	\$57.05	\$57.05	\$0.00	0%
	Bldg	Multifamily and commercial per required inspection	\$69.73	\$69.73	\$0.00	0%
	Bldg	Certificate of occupancy fee				
	Bldg	(If vacant or unused for one year, an inspection will be performed to determine the requirements to bring the building or other structure into compliance with current city ordinances and life, safety and health codes for the intended)				
	Bldg	Single-family residential	\$82.41	\$82.41	\$0.00	0%
	Bldg	Multifamily, commercial or industrial	\$95.09	\$95.09	\$0.00	0%
	Bldg	Required inspection time (per hour; one-hour minimum)	\$82.41	\$82.41	\$0.00	0%
8-105	Bldg	Existing buildings and structures				
	Bldg	Single-family	\$57.05	\$57.05	\$0.00	0%
	Bldg	Multifamily and commercial	\$95.09	\$95.09	\$0.00	0%
8-106	Bldg	Construction in extraterritorial jurisdiction (ETJ)				
	Bldg	Residential (minimum)	\$44.38	\$44.38	\$0.00	0%
	Bldg	Per inspection required	\$57.05	\$57.05	\$0.00	0%
	Bldg	Commercial Plumbing	\$57.05	\$57.05	\$0.00	0%
	Bldg	Multifamily and commercial per inspection	\$69.73	\$69.73	\$0.00	0%
	Bldg	Food/Beverage Establishment				
	Bldg	(Food Service, retail food, food processing plant or warehouse) Permit valid from Oct 01 to Sept 30	1 to 5 (\$126.79)	1 to 5 (\$126.79)	\$0.00	0%
	Bldg		6 to 19 (\$190.21)	6 to 19 (\$190.21)	\$0.00	0%
	Bldg		20 plus (\$317.00)	20 plus (\$317.00)	\$0.00	0%
	Bldg	Expired permit late fee	\$63.39	\$63.39	\$0.00	0%
	Bldg	Building administrative fees	\$63.39	\$63.39	\$0.00	0%
	Bldg	Holiday/Weekend Inspection - Commercial Base Fee	\$73.05	\$73.05	\$0.00	0%
	Bldg	Holiday/Weekend Inspection - Residential Base Fee	\$59.77	\$59.77	\$0.00	0%
	Bldg	Holiday/Weekend Inspection - Hourly Rate for Commercial and Residential (One Hour Minimum)	\$45.55	\$45.55	\$0.00	0%

Item # 20

Code Section	Dept.	Description	FY 2020 Approved	FY 2021 Approved	\$ Change	% Change
	Bldg	Wireless Network Provider ROW Fees Ord. No. 958 Application Fee - for up to 5 network nodes addressed in the same application	\$500.00	\$500.00	\$0.00	0%
	Bldg	Additional Node in same Application	\$250.00	\$250.00	\$0.00	0%
	Bldg	Fee for each Support pole in Application	\$1000.00	\$1000.00	\$0.00	0%
	Bldg	Annual Fee per operation node in public ROW	\$250.00 per year	\$250.00 per year	\$0.00	0%
	Bldg	Annual Service Pole Attachment Fee	\$20.00 per year	\$20.00 per year	\$0.00	0%
	Bldg	Natural Gas Transmission/Hazardous Pipeline Fees Pipeline Permit Application Fee	\$2,500.00	\$2,500.00	\$0.00	0%
	Bldg	Pipeline Right-of-Way Review & Inspection Fee	5% total construction cost within public ROW or public utility easement	5% total construction cost within public ROW or public utility easement	\$0.00	0%
	Bldg	Pipeline Right-of-Way Annual Use Fee	\$1.80 x number of linear feet of public ROW occupied, subsequent fees due each anniversary of permit	\$1.80 x number of linear feet of public ROW occupied, subsequent fees due each anniversary of permit	\$0.00	0%
	Bldg	Pipeline Information Reporting Fee	\$500.00 due by June 30th	\$500.00 due by June 30th	\$0.00	0%
* Fire Department Pass through Fees						
	Bldg	Plan Review & Initial Inspections				
	Bldg	New Shell Building Plan	\$150.00	\$150.00	\$0.00	0%
	Bldg	New Building Plan, New Tenant Finish-Out	\$150.00 + \$0.10 per sq. ft.	\$150.00 + \$0.10 per sq. ft.	\$0.00	0%
	Bldg	Building Plan - Remodel of existing tenant space	\$150.00	\$150.00	\$0.00	0%
	Bldg	Administrative Fee	\$63.39	\$63.39	\$0.00	0%
	Bldg	Fire Alarm Systems				
	Bldg	200 or fewer devices	\$200.00	\$200.00	\$0.00	0%
	Bldg	201 or greater devices	\$200.00 + \$0.50 per device over 200 devices	\$200.00 + \$0.50 per device over 200 devices	\$0.00	0%
	Bldg	Administrative Fee	\$63.39	\$63.39	\$0.00	0%
	Bldg	Fire Sprinkler Automatic Systems:				
	Bldg	Less than 6,001 sq. ft.	\$500.00	\$500.00	\$0.00	0%
	Bldg	6,001 to 12,000 sq. ft.	\$600.00	\$600.00	\$0.00	0%
	Bldg	Greater than 12,000 sq. ft.	\$600.00 + \$0.01 per sq. ft. over 12,000 (max \$800.00)	\$600.00 + \$0.01 per sq. ft. over 12,000 (max \$800.00)	\$0.00	0%
	Bldg	Automatic Fire Sprinkler System-Remodel	\$150.00	\$150.00	\$0.00	0%
	Bldg	Standpipe Systems	\$300.00 1st System, \$150 ea. additional systems	\$300.00 1st System, \$150 ea. additional systems	\$0.00	0%
	Bldg	Administrative Fee	\$63.39	\$63.39	\$0.00	0%
	Bldg	Fire Re-Inspection /Tests				
	Bldg	First System Re-Test	\$50.00	\$50.00	\$0.00	0%
	Bldg	Second System Re-Test	\$100.00	\$100.00	\$0.00	0%
	Bldg	Third System Re-Test	\$150.00	\$150.00	\$0.00	0%
	Bldg	Home Foster Care/Adoption	EXEMPT	EXEMPT	\$0.00	0%

Code Section	Dept.	Description	FY 2020 Approved	FY 2021 Approved	\$ Change	% Change
	Bldg	Other Fire Related Inspections				
	Bldg	Above/Underground Storage Tanks	\$200.00	\$200.00	\$0.00	0%
	Bldg	Access Gates	\$100.00	\$100.00	\$0.00	0%
	Bldg	Alternative Fire Suppression Systems (Paint/Spray Booths)	\$150.00	\$150.00	\$0.00	0%
	Bldg	Change of Occupancy Use	\$50.00	\$50.00	\$0.00	0%
	Bldg	Commercial Propane Installations	\$250.00	\$250.00	\$0.00	0%
	Bldg	Daycare Annual Inspection	\$75.00	\$75.00	\$0.00	0%
	Bldg	Healthcare/Assisted Living	\$45.00 + \$15.00 per additional building	\$45.00 + \$15.00 per additional building	\$0.00	0%
	Bldg	Hospitals/Licensed Clinics	\$75.00	\$75.00	\$0.00	0%
	Bldg	Hydrant Flow Test	\$100.00	\$100.00	\$0.00	0%
	Bldg	Kitchen Vent Hood Suppression System	\$150.00	\$150.00	\$0.00	0%
	Bldg	Administrative Fee	\$63.39	\$63.39	\$0.00	0%
Art. V - Mobile homes, manufactured homes and parks						
8-151	Bldg	Construction of a permanent residential and/or commercial structure in any mobile home park	\$209.20	\$209.20	\$0.00	0%
	Bldg	Plus per space amount	\$12.68	\$12.68	\$0.00	0%
8-152	Bldg	Mobile home owner's inspection certificate for initial hookup	\$34.89	\$34.89	\$0.00	0%
	Bldg	Reinspection	\$20.95	\$20.95	\$0.00	0%
	Bldg	Mobile home park certificate of inspection	\$69.73	\$69.73	\$0.00	0%
	Bldg	Plus per space amount	\$1.27	\$1.27	\$0.00	0%
	Bldg	Reinspection	\$20.95	\$20.95	\$0.00	0%
8-224	Bldg	Model home permit (for each application or resubmittal rejected application--to occupy)	\$69.73	\$69.73	\$0.00	0%
11-168	Bldg	Itinerant merchant (Solicitor's Permit), itinerant vendor license (per quarter)	\$31.75	\$31.75	\$0.00	0%
	Bldg	Mobile Food Vendor (Cold - per quarter)	\$47.50	\$47.50	\$0.00	0%
	Bldg	Mobile Food Vendor (Hot - per quarter)	\$55.50	\$55.50	\$0.00	0%
	Bldg	Temp Food Vendor (Cold - per month)	\$19.00	\$19.00	\$0.00	0%
	Bldg	Temp Food Vendor (Hot - per month)	\$22.25	\$22.25	\$0.00	0%
Chapter 29. Signs						
29-70	Bldg	Permit fee (based on gross surface area square footage)				
	Bldg	Up to 40	\$31.70	\$31.70	\$0.00	0%
	Bldg	41 to 60	\$63.39	\$63.39	\$0.00	0%
	Bldg	61 to 120	\$126.79	\$126.79	\$0.00	0%
	Bldg	121 to 200	\$221.80	\$221.80	\$0.00	0%
	Bldg	201 and larger	\$412.06	\$412.06	\$0.00	0%
	Bldg	Contractor Registration Fee (Annual)	\$12.65	\$12.65	\$0.00	0%

Code Section	Dept.	Description	FY 2020 Approved	FY 2021 Approved	\$ Change	% Change
Court Revenue						
Chapter 14. Courts						
14-60	Court	Non-standardized sheet size, postal charges			Varies	Varies
	Court	All other court fees are established in accordance to C.C.P (Court of Criminal Procedures) Chapter 102, Subchapter C, Article 102.071. http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.102.htm				
Penalties for Parking Violations -City Ordinance No. 1066, Section 47-203						
	Court	(a) A person who violates a parking regulation set forth in this Chapter shall be liable for a civil penalty according to the penalty schedule set forth in subsection (e) below, subject to increases in the civil penalty as provided in this Chapter up to a maximum penalty of \$200.00; provided that disabled parking violations and parking in front of a fire hydrant which shall be a minimum of \$150.00.				
	Court	(b) Any penalty not paid within 15 days of the date due is subject to an additional fee of 50 percent of the original penalty.				
	Court	(c) In addition to the penalties provided for in subsection (a), a vehicle with three or more unpaid adjudicated parking violations within a calendar year may be either immobilized by the attachment of a vehicle immobilizing device or impounded and towed to a vehicle storage facility at the owner's expense in accordance with the provisions of this article.				
	Court	(d) An administrative fee of \$50.00 to defray the city's costs in administering and enforcing orders pursuant to this article will be charged for each vehicle ordered immobilized or impounded.				
	Court	(e) Civil penalty schedule:				
	Court	(1) Level one violations\$30.00				
	Court	Parked overtime	\$30.00	\$30.00	\$0.00	0%
	Court	Parked within 20 feet of crosswalk	\$30.00	\$30.00	\$0.00	0%
	Court	Wheels over 18 inches from the curb	\$30.00	\$30.00	\$0.00	0%
	Court	Parked on wrong side of the street	\$30.00	\$30.00	\$0.00	0%
	Court	Parking within four feet of a residential mailbox during prohibited hours	\$30.00	\$30.00	\$0.00	0%
	Court	Backed into parking space not designated for back-in parking or parked head-in into a parking space designated for back-in parking	\$30.00	\$30.00	\$0.00	0%
	Court	Oversize vehicle in angle parking	\$30.00	\$30.00	\$0.00	0%
	Court	Parked for sale or repair	\$30.00	\$30.00	\$0.00	0%
	Court	No parking zone	\$30.00	\$30.00	\$0.00	0%
	Court	Blocking alley	\$30.00	\$30.00	\$0.00	0%
	Court	Blocking crosswalk	\$30.00	\$30.00	\$0.00	0%
	Court	Blocking driveway of business or residence	\$30.00	\$30.00	\$0.00	0%
	Court	Parked on sidewalk	\$30.00	\$30.00	\$0.00	0%
	Court	Double parked	\$30.00	\$30.00	\$0.00	0%
	Court	Parked in loading zone	\$30.00	\$30.00	\$0.00	0%
	Court	Parked in lane of traffic	\$30.00	\$30.00	\$0.00	0%
	Court	Parked in intersection	\$30.00	\$30.00	\$0.00	0%
	Court	Large motor vehicle, travel trailer, personal watercraft or boat, either attached or unattached to a motor vehicle on street in a residential area	\$30.00	\$30.00	\$0.00	0%
	Court	Commercial vehicle, semi-trailer, pole trailer, construction vehicle or farm equipment on street in residential area	\$30.00	\$30.00	\$0.00	0%
	Court	Parked in fire zone	\$30.00	\$30.00	\$0.00	0%
	Court	Parked in front or side yard or vacant lot	\$30.00	\$30.00	\$0.00	0%
	Court	Parked in a bicycle lane	\$30.00	\$30.00	\$0.00	0%
	Court	Parking in violation of a City Code provision regulating parking not otherwise stated here	\$30.00	\$30.00	\$0.00	0%
	Court	(2) Level two violations\$150.00				
	Court	Violations regarding disabled parking	\$150.00	\$150.00	\$0.00	0%
	Court	Parking/standing within 15' of a fire hydrant	\$150.00	\$150.00	\$0.00	0%

Code Section	Dept.	Description	FY 2020 Approved	FY 2021 Approved	\$ Change	% Change
Engineering Revenue						
	Eng	Warrant Fee for any TMUTCD warrant request	\$320.00	\$320.00	\$0.00	0%
Encroachment license fee (annual renewal)			N/A	TBD	TBD	
Water & Sewer Impact Fees						
50-259	Eng	Water & Sewer Impact Fees				
	Eng	Schedule of Water Impact Fees Per LUE*				
	Eng	*Refer to Table below for LUE determination				
	Eng	Current water impact fee would apply to vacant tracts platted prior to 6-20-1987				
	Eng	Current water impact fee would apply to any net increase in impact fee LUE on prior-assessed land.				
	Eng	Approved Plat Dates From 6-21-1987 to 6-27-1990	\$1,500.00	\$1,500.00	\$0.00	0%
	Eng	Approved Plat Dates From 6-28-1990 to 2-17-1997	\$841.00	\$841.00	\$0.00	0%
	Eng	Approved Plat Dates From 2-18-1997 to 4-16-2001	\$1,320.00	\$1,320.00	\$0.00	0%
	Eng	Approved Plat Dates From 4-17-2001 to 3-3-2008	\$1,100.00	\$1,100.00	\$0.00	0%
	Eng	Approved Plat Dates From 3-4-2008 to 1-16-2017	\$2,115.00	\$2,115.00	\$0.00	0%
Eng	Approved Plat Dates From 1-17-2017 to present	\$3,535.00	\$3,535.00	\$0.00	0%	
Eng	Schedule of Sewer Impact Fees Per LUE*					
Eng	*Refer to Table below for LUE determination					
Eng	Current sewer impact fee would apply to vacant tracts platted prior to 6-20-1987					
Eng	Current sewer impact fee would apply to any net increase in impact fee LUE on prior-assessed land.					
Eng	Approved Plat Dates From 6-21-1987 to 6-27-1990	\$1,500.00	\$1,500.00	\$0.00	0%	
Eng	Approved Plat Dates From 6-28-1990 to 2-17-1997	\$1,062.00	\$1,062.00	\$0.00	0%	
Eng	Approved Plat Dates From 2-18-1997 to 4-16-2001	\$1,132.00	\$1,132.00	\$0.00	0%	
Eng	Approved Plat Dates From 4-17-2001 to 3-3-2008	\$1,613.00	\$1,613.00	\$0.00	0%	
Eng	Approved Plat Dates From 3-4-2008 to 1-16-2017	\$2,216.00	\$2,216.00	\$0.00	0%	
Eng	Approved Plat Dates From 1-17-2017 to present	\$2,826.00	\$2,826.00	\$0.00	0%	
Eng	LUE Determination Table					
Eng	Estimated Maximum Expected Flow Rate (gpm)	Displacement & Multi-jet SRII & PMM	Compound C702. Table 1.	Turbine C701. Table 2. OMNI C2 & WR*	Living Unit Equivalents (LUEs)	
Eng	10	5/8" x 3/4"			1	
Eng	15	3/4"			1.5	
Eng	25	1"			2.5	
Eng	50	1.5"			5	
Eng	80	2"	2"	1.5"	8	
Eng	100			2"	10	
Eng	160		3"		16	
Eng	240			3"	24	
Eng	250		4"		25	
Eng	420			4"	42	
Eng	500		6"		50	
Eng	800		8"		80	
Eng	920			6"	92	
Eng	1600			8" *	160	
Eng	* The WR turbine meter is for 8" size only and does not have low flow accuracy capability.					

Code Section	Dept.	Description	FY 2020 Approved	FY 2021 Approved	\$ Change	% Change
Library Revenue						
Article V: Ord No: 358 Section 2-465. Library						
	Library	Printing and Photocopying Fees				
	Library	Color Printing (per page)	\$0.65	\$0.65	\$0.00	0%
	Library	Black/White Printing (per page)	\$0.15	\$0.15	\$0.00	0%
	Library	Photocopying Fee (per page Letter Size if one-sided)	\$0.15	\$0.15	\$0.00	0%
	Library	Photocopying Fee (per page Ledger Size if one-sided)	\$0.30	\$0.30	\$0.00	0%
	Library	Photocopying Fee (per page Letter Size if double-sided)	\$0.30	\$0.30	\$0.00	0%
	Library	Photocopying Fee (per page Ledger Size if double-sided)	\$0.60	\$0.60	\$0.00	0%
	Library	Overdue Books/DVDs/VHS Fees				
	Library	Overdue Book (per day) + associated postage costs	\$0.15	\$0.15	\$0.00	0%
	Library	Overdue DVD or VHS tape (per day) + associated postage costs	\$0.30	\$0.30	\$0.00	0%
	Library	Lost or damaged library item	Cost of item plus any overdue fees	Cost of item plus any overdue fees	\$0.00	0%
	Library	Handling fee for lost or damaged library item	\$5.00	\$5.00	\$0.00	0%
	Library	Fax Fees				
	Library	Incoming (per page)	\$0.30	\$0.30	\$0.00	0%
	Library	Outgoing				
	Library	Up to 5 pages	N/A	N/A	N/A	N/A
	Library	6 – 10 pages	N/A	N/A	N/A	N/A
	Library	11 – 15 pages	N/A	N/A	N/A	N/A
	Library	16 – 20 pages	N/A	N/A	N/A	N/A
	Library	21 – 25 pages	N/A	N/A	N/A	N/A
	Library	Per Set of 1 - 5 Pages	\$2.50	\$2.50	\$0.00	0%
	Library	International Fax				
	Library	Up to 5 pages	N/A	N/A	N/A	N/A
	Library	6 – 10 pages	N/A	N/A	N/A	N/A
	Library	11 – 15 pages	N/A	N/A	N/A	N/A
	Library	16 - 20 pages	N/A	N/A	N/A	N/A
	Library	21 - 25 pages	N/A	N/A	N/A	N/A
	Library	Per Set of 1 - 5 Pages	\$5.00	\$5.00	\$0.00	0%
	Library	Inter-Library Lending Fee (per book)	\$2.00	\$2.00	\$0.00	0%
	Library	Replacement Library Card	\$2.00	\$2.00	\$0.00	0%
	Library	Guest Computer Pass	\$1.00	\$1.00	\$0.00	0%
	Library	Community Room				
	Library	Burdine and Jack Johnson Wing Meeting Rooms				
		One event (up to 2 hours) free each month.	FREE	FREE	\$0.00	0%
		Subsequent hours \$10 per hour	10.00/ hour	10.00/ hour	\$0.00	0%
		Cleaning fee - required if food is served	\$100.00	\$100.00	\$0.00	0%

Code Section	Dept.	Description	FY 2020 Approved	FY 2021 Approved	\$ Change	% Change
PARD Revenue						
Chapter 26. Parks and Recreation						
26-146(a)(1)	PARD	Community Rooms - Kyle Resident (per hour)	\$40.00	\$40.00	\$0.00	0%
	PARD	Community Rooms - Kyle Resident (per day)	\$200.00	\$200.00	\$0.00	0%
	PARD	Community Rooms - Non-Kyle Resident (per hour)	\$80.00	\$80.00	\$0.00	0%
	PARD	Community Rooms - Non-Kyle Resident (per day)	\$400.00	\$400.00	\$0.00	0%
26-146(a)(3)	PARD	Gazebo-City Square Park - Kyle Resident (per hour)	\$20.00	\$20.00	\$0.00	0%
	PARD	Gazebo-City Square Park - Non-Kyle Resident (per hour)	\$40.00	\$40.00	\$0.00	0%
	PARD	Krug Activity Center - Kyle Resident (10% Discount for KASZ Members) (per hour)	\$120.00	\$120.00	\$0.00	0%
	PARD	Krug Activity Center - Kyle Resident (10% Discount for KASZ Members) (per day)	\$600.00	\$600.00	\$0.00	0%
	PARD	Krug Activity Center - Non- Kyle Resident (10% Discount for KASZ Members) (per hour)	\$240.00	\$240.00	\$0.00	0%
	PARD	Krug Activity Center - Non- Kyle Resident (10% Discount for KASZ Members) (per day)	\$1,200.00	\$1,200.00	\$0.00	0%
	PARD	Ash Pavilion - Kyle Resident (per hour)	\$120.00	\$120.00	\$0.00	0%
	PARD	Ash Pavilion - Kyle Resident (per day)	\$600.00	\$600.00	\$0.00	0%
	PARD	Ash Pavilion - Non- Kyle Resident (per hour)	\$240.00	\$240.00	\$0.00	0%
	PARD	Ash Pavilion - Non- Kyle Resident (per day)	\$1,200.00	\$1,200.00	\$0.00	0%
26-146(a)(4)	PARD	Sports Field - Kyle Resident Without lights (per hour)	\$20.00	\$20.00	\$0.00	0%
	PARD	Sports Field - Kyle Resident With lights (per hour)	\$40.00	\$40.00	\$0.00	0%
26-146(a)(4)	PARD	Sports Field - Non-Kyle Resident Without lights (per hour)	\$40.00	\$40.00	\$0.00	0%
	PARD	Sports Field - Non-Kyle Resident With lights (per hour)	\$80.00	\$80.00	\$0.00	0%
26-146(a)(5)	PARD	Concession Sales – Kyle Resident (per hour)	\$20.00	\$20.00	\$0.00	0%
26-146(a)(5)	PARD	Concession Sales – Non Kyle Resident (per hour)	\$40.00	\$40.00	\$0.00	0%
	PARD	Food Truck Permit (Per Month)	\$60.00	\$60.00	\$0.00	0%
26-146(a)(6)	PARD	Covered Pavilion – Kyle Resident (per hour)	\$30.00	\$30.00	\$0.00	0%
26-146(a)(6)	PARD	Covered Pavilion – Non Kyle Resident (per hour)	\$60.00	\$60.00	\$0.00	0%
	PARD	Barricade Use Fee (per barricade)	\$15.00	\$15.00	\$0.00	0%
26-146(a)(7)	PARD	Portable Table Rentals in all parks and pool (per day)	\$13.00	\$13.00	\$0.00	0%
26-146(a)(8)	PARD	Tournament Rental (Sports Complex at Gregg-Clarke Park Includes Fields # 1 - # 4) (per day)	\$600.00	\$600.00	\$0.00	0%
26-146(a)(9)	PARD	Banner Ads at Gregg-Clarke Park (annual per square foot - based on location)	\$5.00 - \$15.00	\$5.00 - \$15.00	\$0.00	0%
	PARD	Private Event Rental Clean-Up Deposit (only \$100 is refundable)	\$125.00 plus add'l expenses incurred over deposit	\$125.00 plus add'l expenses incurred over deposit	\$0.00	0%
	PARD	Special Event Rental Clean-Up Deposit (only \$500 is refundable)	\$505.00 plus add'l expenses incurred over deposit	\$505.00 plus add'l expenses incurred over deposit	\$0.00	0%

Code Section	Dept.	Description	FY 2020 Approved	FY 2021 Approved	\$ Change	% Change
26-146(a)(8)	PARD	Swimming Pool				
	PARD	Open Swim Fees				
	PARD	Kyle residents				
	PARD	Ages 3 and under	N/A	N/A	\$0.00	0%
	PARD	Ages 4 - 12	\$1.00	\$1.00	\$0.00	0%
	PARD	Ages 13 - 17	\$2.00	\$2.00	\$0.00	0%
	PARD	Ages 18 - 54	\$3.50	\$3.50	\$0.00	0%
	PARD	Ages 55 and above	\$1.00	\$1.00	\$0.00	0%
	PARD	Non-Kyle residents (ages 4 and above)	\$5.00	\$5.00	\$0.00	0%
	PARD	Season Pass				
	PARD	Kyle residents				
	PARD	Ages 3 and under	N/A	N/A	\$0.00	0%
	PARD	Ages 4 - 12	\$26.00	\$26.00	\$0.00	0%
	PARD	Ages 13 - 17	\$52.00	\$52.00	\$0.00	0%
	PARD	Ages 18- 54	\$91.00	\$91.00	\$0.00	0%
	PARD	Ages 55 and above	\$26.00	\$26.00	\$0.00	0%
	PARD	Family of five (additional family member(s) must purchase pass in their age group)	\$160.00	\$160.00	\$0.00	0%
	PARD	Non-Kyle residents				
	PARD	Ages 3 and under	N/A	N/A	\$0.00	0%
	PARD	Ages 4 - 12	\$130.00	\$130.00	\$0.00	0%
	PARD	Ages 13 - 17	\$130.00	\$130.00	\$0.00	0%
	PARD	Ages 18 - 54	\$130.00	\$130.00	\$0.00	0%
PARD	Ages 55 and above	\$130.00	\$130.00	\$0.00	0%	
PARD	Family of five (additional family member must purchase pass in their age group)	\$400.00	\$400.00	\$0.00	0%	
	PARD	Punch Card (Equals 15 Visits)				
	PARD	Kyle residents				
	PARD	Ages 4 - 12	\$13.00	Discontinued	N/A	N/A
	PARD	Ages 13 - 17	\$26.00	Discontinued	N/A	N/A
	PARD	Ages 18 - 54	\$46.00	Discontinued	N/A	N/A
	PARD	Ages 55 and above	\$13.00	Discontinued	N/A	N/A
	PARD	Non-Kyle residents				
	PARD	Ages 4 - 12	\$65.00	Discontinued	N/A	N/A
	PARD	Ages 13 - 17	\$65.00	Discontinued	N/A	N/A
	PARD	Ages 18 - 54	\$65.00	Discontinued	N/A	N/A
PARD	Ages 55 and above	\$65.00	Discontinued	N/A	N/A	
	PARD	BOGO Season Passes & Punch Cards:				
	PARD	October 1 - March 31 (COB)	Buy One Get One-ELV	Discontinued	N/A	N/A
	PARD	Private rental of Kyle Pool, includes lifeguards (two-hour minimum; cost depends on number of guests/swimmers); Kyle Resident or Non-Resident	\$65.00 - \$300.00/Hour	\$65.00 - \$300.00/Hour	\$0.00	0%
	PARD	Swim Lessons (Kyle Resident and Non-Resident)				
	PARD	Group Swim Lessons (per session)	\$56.00	\$56.00	\$0.00	0%
	PARD	Preschool Swim Lessons (per session)	\$50.00	\$50.00	\$0.00	0%
	PARD	Private Swim Lessons (per session)	\$82.00	\$82.00	\$0.00	0%
	PARD	Parent-Tot Swim Lessons (per session)	\$56.00	\$56.00	\$0.00	0%
	PARD	Swim Team	\$160.00	\$160.00	\$0.00	0%

Code Section	Dept.	Description	FY 2020 Approved	FY 2021 Approved	\$ Change	% Change
26-146(b)	PARD	PARD Programs				
	PARD	Polar Bear Swim (per person)	\$15.00 - \$26.00	\$15.00 - \$26.00	\$0.00	0%
	PARD	Sports Leagues (per person)	\$25.00 - \$125.00	\$25.00 - \$125.00	\$0.00	0%
	PARD	Hooked on Fishing Programs (per person)	\$25.00 - \$75.00	\$25.00 - \$75.00	\$0.00	0%
	PARD	Safety Training Programs	\$10.00 - \$250.00	\$10.00 - \$250.00	\$0.00	0%
	PARD	Family Fun Ride	\$5.00 - \$15.00	\$5.00 - \$15.00	\$0.00	0%
	PARD	Summer Youth Camps - Registration	\$32.00	\$32.00	\$0.00	0%
	PARD	Summer Youth Camps - Per week, per child	120.00-150.00	120.00-150.00	\$0.00	0%
	PARD	Family Campout	\$126.00/family of 4 plus \$26.00 per each additional person	\$126.00/family of 4 plus \$26.00 per each additional person	\$0.00	0%
	PARD	Recreation Contract Programs	Refer to contract for rates and commission	Refer to contract for rates and commission	\$0.00	0%
	PARD	Teen Nights	\$2 - \$15/person	\$2 - \$15/person	\$0.00	0%
	PARD	July 4th Fireworks - Sponsor Fees (depends on donation amount)	\$1.00 - \$10,000.00	\$1.00 - \$10,000.00	\$0.00	0%
	PARD	Movies in the Park - Sponsor Fees (depends on donation amount)	\$1.00 - \$10,000.00	\$1.00 - \$10,000.00	\$0.00	0%
		PARD	Hooked on Fishing - Sponsor Fees (depends on donation amount)	\$1.00 - \$10,000.00	\$1.00 - \$10,000.00	\$0.00
PARD		Office Point of Purchase Sales (varies based on product)	\$1.00 - \$50.00	\$1.00 - \$50.00	\$0.00	0%
PARD		PARD Events (Market Days, Easter, Halloween, Santa, etc.)				
PARD		Booth Spaces	\$45.00 - \$90.00	\$35.00 - \$120.00	Varies	Varies
PARD		Sponsorships (depends on donation amount)	\$1.00 - \$10,000.00	\$1.00 - \$10,000.00	\$0.00	0%
PARD		Texas Hunting and Fishing Licenses	Rates Vary - Set by State of Texas - please refer to http://www.tpwd.state.tx.us/business/licenses/public/recreational/ for the current amount being charged. The amount listed on the website does include a 5% sales commission to the City.			
City of Kyle Employee Discounts						
Discounts may be offered to employees and their immediate family under the terms and conditions in the currently adopted in the City of Kyle Personnel Policy, Article 10. Benefits; Section 10.09 Wellness Program; Subsection B. Employee Discounts. These vary based on program and availability. Contact PARD for current discounts.						
Chapter 41. Subdivisions						
41-147(b)	PARD	Park Land Fee - Land	\$750.00 per dwelling unit	\$750.00 per dwelling unit	\$0.00	0%
	PARD	Park Development Fee - Improvements/Facilities	\$750.00 per dwelling unit	\$750.00 per dwelling unit	\$0.00	0%

Code Section	Dept.	Description	FY 2020 Approved	FY 2021 Approved	\$ Change	% Change
Police Department Revenue						
Chapter 5. Animals						
5-156(d)	PD	Adoption of animals from shelter	\$95.08	\$95.08	\$0.00	0%
5-184	PD	Failure of a dog or cat to wear a vaccination tag	\$25.36	\$25.36	\$0.00	0%
5-185	PD	Annual Animal License Fee - Unneutered dog or cat	\$10.50	\$10.50	\$0.00	0%
	PD	Annual Animal License Fee - Neutered dog or cat	\$5.25	\$5.25	\$0.00	0%
	PD	Annual Animal License Fee - Other animals	\$5.25	\$5.25	\$0.00	0%
5-213(a)	PD	Commercial animal enterprises and multiple animal ownership				
	PD	Circus or zoo	\$633.94	\$633.94	\$0.00	0%
	PD	Commercial animal enterprise	\$126.79	\$126.79	\$0.00	0%
	PD	Multiple Animal Owner	\$0.00	\$63.39	\$63.39	
	PD	Guard dog	\$63.39	\$63.39	\$0.00	0%
	PD	Annual renewal fee for all	\$63.39	\$63.39	\$0.00	0%
	PD	Multiple Animal Owner - One Time Permit Fee	\$63.39	Discontinued - now an annual fee	N/A	N/A
5-9 (all fees)	PD	Miniature Livestock - One Time Permit Fee	\$50.00	Discontinued	N/A	N/A
	PD	Impoundment Fee (Per Animal Captured) - San Marcos Animal Shelter				
	PD	Unneutered Dog or Cat - First Time	\$21.74	\$21.74	\$0.00	0%
	PD	Second Time	\$36.23	\$36.23	\$0.00	0%
	PD	Third Time	\$72.45	\$72.45	\$0.00	0%
	PD	Neutered Dog or Cat - First Time	\$21.74	\$21.74	\$0.00	0%
	PD	Second Time	\$36.23	\$36.23	\$0.00	0%
	PD	Third Time	\$72.45	\$72.45	\$0.00	0%
	PD	Fowl or Other Small Animal - First Time	\$21.74	\$21.74	\$0.00	0%
	PD	Second Time	\$36.23	\$36.23	\$0.00	0%
	PD	Third Time	\$72.45	\$72.45	\$0.00	0%
	PD	Livestock - First Time	\$60.38	\$60.38	\$0.00	0%
	PD	Second Time	\$241.50	\$241.50	\$0.00	0%
	PD	Third Time	\$422.63	\$422.63	\$0.00	0%
	PD	Zoological and/or Circus Animal - First Time	\$120.75	\$120.75	\$0.00	0%
	PD	Second Time	\$241.50	\$241.50	\$0.00	0%
	PD	Third Time	\$603.75	\$603.75	\$0.00	0%
PD	More than four violations by any pet or combination thereof owned by the same person in three years or less shall be a flat fee for each impoundment thereafter.	\$603.75	\$603.75	\$0.00	0%	
	PD	Impoundment Fee (Per Animal Captured)				
	PD	Owner/Harbored Animal Surrender Fees:				
	PD	Cats	\$0.00	\$0.00	\$0.00	0%
	PD	Dogs	\$0.00	\$0.00	\$0.00	0%
	PD	Litters dogs or cats	\$0.00	\$0.00	\$0.00	0%
	PD	Other small animals	\$0.00	\$0.00	\$0.00	0%
	PD	Large animals	N/A	N/A	N/A	N/A
11-285	PD	Vehicles released during hours other than normal business	\$25.36	\$25.36	\$0.00	0%
	PD	Annual Wrecker Application Fee	\$250.00	\$250.00	\$0.00	0%
	PD	Licensed Vehicle Storage Facility Lien Foreclosure - Title 7, Subchapter H, chapter 683, mandated by State of Texas	\$10.00	\$10.00	\$0.00	0%

Code Section	Dept.	Description	FY 2020 Approved	FY 2021 Approved	\$ Change	% Change
23-241(b)	PD	Abandoned motor vehicles (garage keepers report)	\$12.68	\$12.68	\$0.00	0%
	PD	Crash Report Fee - Requested Online (per report)	\$6.00	\$6.00	\$0.00	0%
	PD	Crash Report Fee - Requested at PD (per report)	\$6.00	\$6.00	\$0.00	0%
	PD	PD Certification of Crash Report (per report; in addition to Crash Report Fee)	\$2.00	\$2.00	\$0.00	0%
	PD	Local Background / Police Clearance Letter	\$10.00	\$10.00	\$0.00	0%
	PD	Alarm Permit - Residential	\$25.00	\$25.00	\$0.00	0%
	PD	Alarm Permit - Commercial/Other than Residential	\$50.00	\$50.00	\$0.00	0%
	PD	False Alarm Fee (Per Incident) - Number of violations is calculated over a rolling 12-month period				
		3 or Less	\$0.00	\$0.00	\$0.00	0%
		4 - 5	\$50.00	\$50.00	\$0.00	0%
		6 - 7	\$75.00	\$75.00	\$0.00	0%
		8 or More	\$100.00	\$100.00	\$0.00	0%
23.279	PD	Mass Gathering Fees				
		Permit Fee	\$300.00	\$300.00	\$0.00	0%
		Inspection Fee	Actual costs	Actual costs	\$0.00	0%
	PD	All other police department fees are established in accordance to the AG Charge Schedule authorized by the Texas Administrative Code, Title 1, Part 3, Chapter 70, Rule Section 70.3.				
47.4	PD	Golf Cart Permit Fee	\$20.00	\$20.00	\$0.00	0%
	PD	Vehicle Cost Recovery Fee				
		Mobile/ Patrol Use	\$ 10.00 per hour	\$ 10.00 per hour	\$0.00	0%
		Stationary Use	\$ 5.00 per hour	\$ 5.00 per hour	\$0.00	0%
		Presence Only	\$ 0.00 per hour	\$ 0.00 per hour	\$0.00	0%

Code Section	Dept.	Description	FY 2020 Approved	FY 2021 Approved	\$ Change	% Change
Planning Revenue						
Subdivision Plats						
	Plan	PID Application Fee	\$15,000.00	\$15,000.00	\$0.00	0%
8-109	Plan	Short form plat - Base	\$453.29	\$453.29	\$0.00	0%
8-115	Plan	Short form plat - + Per Lot Fee	\$6.04	\$6.04	\$0.00	0%
	Plan	Concept Plan - Base	\$1,110.91	\$1,110.91	\$0.00	0%
	Plan	Concept Plan - + Per Acre Fee	\$18.11	\$18.11	\$0.00	0%
8-110	Plan	Preliminary plan - Base	\$1,002.58	\$1,002.58	\$0.00	0%
	Plan	Preliminary plan - + Per Lot Fee	\$6.04	\$6.04	\$0.00	0%
8-111	Plan	Final plat - Base	\$1,142.76	\$1,142.76	\$0.00	0%
	Plan	Final plat - + Per Acre Fee	\$18.11	\$18.11	\$0.00	0%
8-112	Plan	Site development - Base	\$1,631.78	\$1,631.78	\$0.00	0%
	Plan	Site development - + Per Acre Fee	\$90.56	\$90.56	\$0.00	0%
	Plan	Small Site Development	\$894.47	\$894.47	\$0.00	0%
8-113	Plan	Engineer review fee (total amount billed to city, plus ten percent)	Varies	Varies	N/A	N/A
8-114	Plan	Plat vacation (plus all estimated county recording fees)	\$310.24	\$310.24	\$0.00	0%
8-116	Plan	Subdivision variance request (in advance for each variance requested)	\$564.53	\$564.53	\$0.00	0%
8-117	Plan	Construction inspection (total amount deposited prior to start of construction) For construction of all streets, water, wastewater, drainage and other infrastructure required to be constructed for the approval and final acceptance of any subdivision or section thereof shall be paid, together with all other applicable fees and charges	2% of estimated cost	2% of estimated cost	N/A	N/A
8-118	Plan	Zoning change and variances - Base	\$428.06	\$428.06	\$0.00	0%
	Plan	Zoning change and variances - + Per Acre Fee	\$3.62	\$3.62	\$0.00	0%
	Plan	Plum Creek PUD Substantial Amendment	\$407.68+\$3.45 per acre + newspaper notification fee	\$407.68+\$3.45 per acre + newspaper notification fee	N/A	N/A
	Plan	Plum Creek PUD Minor Amendment	\$200.00	\$200.00	\$0.00	0%
	Plan	Each applicant requested postponement of zoning request	\$69.72	\$69.72	\$0.00	0%
	Plan	Zoning Verification Letter	\$63.42	\$63.42	\$0.00	0%
	Plan	Public Improvement Construction Plan Review + 1.5% of value of improvements	\$1,838.52	\$1,838.52	\$0.00	0%

Code Section	Dept.	Description	FY 2020 Approved	FY 2021 Approved	\$ Change	% Change
	Plan	ATM Fee				
		A	B	C	D	E
		Land Use Category	Trips per Day	Cost Multiplier	No. Of DUs	GFA*/1,000
		1 Single-Family Detached	9.52	\$ 129.00		
		2 Single-Family Attached	5.81	\$ 65.00		
		3 Multifamily	6.65	\$ 81.00		
		4 Office	11.03	\$ 112.00		
		5 Retail	44.32	\$ 34.00		
		6 Shopping Center	42.7	\$ 40.00		
		7 Warehouse/Storage	3.56	\$ 129.00		
		8 Manufacturing	3.82	\$ 118.00		
		9 Industrial	6.97	\$ 71.00		
		10 Institutional	12.7	\$ 51.00		
<p>Table Notes: Residential uses (rows 1,2, and 3) are computed by multiplying columns B, C, and D. Commercial uses (rows 4-10) are computed by multiplying columns B, C, and E. Mixed use and multi-use projects will be assigned their fees cumulatively, based on the percentage of each land use on the subject parcel.</p> <p>Please reference Sec. 41-137(p) for additional details relating to the Adjacent Lane Mile fee</p>						
	Plan	Requested Code Amendment	\$200 (plus newspaper notification fee)	\$200 (plus newspaper notification fee)	N/A	N/A
	Plan	Voluntary Annexation	\$850 (plus newspaper notification fee)	\$850 (plus newspaper notification fee)	N/A	N/A
	Plan	Newspaper notification fee	\$190.21	\$190.21	\$0.00	0%
	Plan	Fire Department Preliminary, Final, & Plat Plan Review Fee	\$150.00	\$150.00	\$0.00	0%
	Plan	Fire Department Site Plan Review Fee	\$200.00	\$200.00	\$0.00	0%
Chapter 53. Zoning						
53-639	Plan	Recreational vehicle park district (annual park license)				
	Plan	First ten lots	\$126.79	\$126.79	\$0.00	0%
	Plan	Per each additional lot	\$6.34	\$6.34	\$0.00	0%
53-895	Plan	Application for conditional use permit	\$190.21	\$190.21	\$0.00	0%
	Plan	Plus per acre	\$3.78	\$3.78	\$0.00	0%
	Plan	Maps for sale (fees)				
	Plan	Tabloid size (11" x 17")	\$5.00	\$5.00	\$0.00	0%
	Plan	Arch. C-Size (24" x 36")	\$15.00	\$15.00	\$0.00	0%
	Plan	Custom (formula: \$25.00 base + \$25.00 per hr.)	Variable price	Variable price	N/A	N/A
	Plan	Development Review Fee - at time of review request	\$850.00	\$850.00	\$0.00	0%
	Plan	Signage for sites undergoing a land entitlement process	\$127.00	\$127.00	\$0.00	0%

Code Section	Dept.	Description	FY 2020 Approved	FY 2021 Approved	\$ Change	% Change
Public Works Revenue						
Chapter 38. Streets, Sidewalks and Other Public Places						
38-139	PW	Construction permit (alteration in right-of-way)	\$316.97	\$316.97	\$0.00	0%
	PW	Plus any engineering fees incurred				
	PW	Per month of duration of permit	\$63.39	\$63.39	\$0.00	0%
38-140	PW	Excavation permit (alteration in right-of-way)	\$316.97	\$316.97	\$0.00	0%
	PW	Plus any engineering fees incurred				
	PW	Per month of duration of permit	\$63.39	\$63.39	\$0.00	0%
38-144	PW	Certificate of occupation per year and per linear foot (permanent structure in right-of-way)	\$15.75/linear foot	\$15.75/linear foot	\$0.00	0%
38-145	PW	Temporary obstruction or occupation of the right-of-way	\$157.50	\$157.50	\$0.00	0%
38-153	PW	Appeal from permit revocation or other action	\$157.50	\$157.50	\$0.00	0%
	PW	Small Cell Node Network (in ROW)	\$500.00 up to 5 nodes + \$250 for each additional node in same application and a fee of \$1,000.00 for each support node	\$500.00 up to 5 nodes + \$250 for each additional node in same application and a fee of \$1,000.00 for each support node	\$500.00 up to 5 nodes + \$250 for each additional node in same application and a fee of \$1,000.00 for each support	100%
Chapter 50. Utilities						
50-20(a)	PW	Water and sewer system tap fees				
	PW	Water tap				
	PW	Inside city	\$217.35 + Cost	\$217.35 + Cost	\$0.00	0%
	PW	Outside city	\$274.68 + Cost	\$274.68 + Cost	\$0.00	0%
	PW	Sewer tap				
	PW	Inside city	\$217.35 + Cost	\$217.35 + Cost	\$0.00	0%
	PW	Outside city	\$274.68 + Cost	\$274.68 + Cost	\$0.00	0%
	PW	Water Flow Tests	\$60.38	\$60.38	\$0.00	0%
	PW	Water Bac-T (Bacteria) Samples -First Sample	\$60.38	\$60.38	\$0.00	0%
	PW	Water Bac-T (Bacteria) -Each Additional Sample	\$25.00	\$25.00	\$0.00	0%
Art. V - Industrial Waste						
50-211(d)	PW	Tests for waste of abnormal strength	\$6.35	\$6.35	\$0.00	0%

Code Section	Dept.	Description	FY 2020 Approved	FY 2021 Approved	\$ Change	% Change
Special Events Revenue						
	SE	Pie In the Sky:				
		Gate Fee Morning Session - AM Session (Saturday & Sunday)	\$10.00	\$10.00	\$0.00	0%
		Gate Fee Afternoon/Evening Session - PM Session (Saturday & Sunday)	\$20.00	\$20.00	\$0.00	0%
		Gate Fee Weekend Pass (Saturday & Sunday)	\$30.00	\$30.00	\$0.00	0%
		Vendor Booth Space - Premium	\$250.00	\$250.00	\$0.00	0%
		Vendor Booth Space - Market	\$175.00	\$175.00	\$0.00	0%
		Vendor Booth Space - Non-Profit Organization	\$150.00	\$150.00	\$0.00	0%
		Sponsorships - Ranges From \$500 to \$15,000	\$500.00-\$15,000.00	\$500.00-\$15,000.00	N/A	N/A
		Entry Fees - (to account for VIP ticket sales)	\$5.00-\$100.00	\$5.00-\$100.00	N/A	N/A
		Vendor Fees - (to account for market vendors to food vendors to specialty vendors)	\$100.00-\$800.00	\$100.00-\$1000.00	Varies	Varies
	SE	Field Day:				
		Team Registration	\$325.00	Discontinued	N/A	N/A
		Sponsorship - Game MVP	\$1,500.00	Discontinued	N/A	N/A
		Sponsorship - Superstar	\$1,000.00	Discontinued	N/A	N/A
		Sponsorship - All Star	\$600.00	Discontinued	N/A	N/A
		Sponsorship - Game Changer	\$400.00	Discontinued	N/A	N/A
		Sponsorship - Spirit Leader	\$200.00	Discontinued	N/A	N/A
	SE	2020 Destination Event				
		Registration Fees - Ranges from \$15.00-\$300.00	\$15.00 - \$300.00	Discontinued	N/A	N/A
		Vendor Fees - Ranges from \$100.00-\$800.00	\$100.00 - \$800.00	Discontinued	N/A	N/A
		Sponsorships - Ranges from \$200.00-\$10,000	\$200.00 - \$10,000	Discontinued	N/A	N/A
	SE	2021 Destination Event- Fajita Festival				
		BBQ Competition Registration Fees - Ranges from \$15.00-\$800.00	N/A	\$15.00 - \$800.00	Varies	Varies
		Vendor Fees - Ranges from \$100.00-\$800.00	N/A	\$100.00 - \$800.00	\$0.00	0%
		Sponsorships - Ranges from \$200.00-\$15,000	N/A	\$200.00 - \$15,000	Varies	Varies

Code Section	Dept.	Description	FY 2020 Approved	FY 2021 Approved	\$ Change	% Change
Utility Billing Revenue						
50-21	UB	Service Connection Fee				
	UB	Water, sewer, and trash customers	\$63.39	\$63.39	\$0.00	0%
	UB	Wastewater customers only-service charge	\$31.70	\$31.70	\$0.00	0%
	UB	Refuse customers only - service charge	\$31.70	\$31.70	\$0.00	0%
	UB	Emergency shut off fee	\$63.39	\$63.39	\$0.00	0%
	UB	After hours turn on fee	\$63.39	\$63.39	\$0.00	0%
	UB	Meter Test (3rd Party)				
	UB	Residential meter	\$120.45	\$120.45	\$0.00	0%
	UB	Commercial meter	\$221.88	\$221.88	\$0.00	0%
	UB	Meter tampering fee	\$633.94 + Possible Fine	\$633.94 + Possible Fine	N/A	N/A
UB	Late payment penalty	10% of outstanding balance	10% of outstanding balance	N/A	N/A	
50-22	UB	Deposit for water, sewer and trash collection services (per LUE)	\$95.09	\$95.09	\$0.00	0%
	UB	Deposit for sewer and trash collection services only (per LUE)	\$63.39	\$63.39	\$0.00	0%
	UB	Deposit for Refuse Service Only	\$31.70	\$31.70	\$0.00	0%
	UB	Fire Hydrant Deposit	\$1,449.00	\$1,449.00	\$0.00	0%
	UB	Fire Hydrant Minimum Charge (monthly)	\$166.10	\$166.10	\$0.00	0%
	UB	Delinquent Billing Fee (Disconnect/Reconnect)				
	UB	Within corporate limits of the city	\$55.13	\$55.13	\$0.00	0%
	UB	Outside corporate limits of the city	\$76.07	\$76.07	\$0.00	0%
	UB	Additional deposit may be required (calculated)			N/A	N/A
	UB	Delinquent Billing Fee (Disconnect List Only)	\$38.04	Discontinued	N/A	N/A
UB	Turn On/ Transfer of service fee (within the city)	\$38.04	\$38.04	\$0.00	0%	
UB	Cost of Meter (initial install of meter - actual City cost plus ten percent)	Varies	Varies	N/A	N/A	
UB	Service Charge for Inspection Turn On	\$72.45	\$72.45	\$0.00	0%	
50-23	UB	Water Minimum Charge (monthly)				
	UB	Inside city				
	UB	Single-family residential				
	UB	5/8 and 3/4 inch	\$33.23	\$36.55	\$3.32	10%
	UB	1-inch	\$49.83	\$54.81	\$4.98	10%
	UB	1 1/2-inch	\$83.04	\$91.34	\$8.30	10%
	UB	2-inch	\$166.10	\$182.71	\$16.61	10%
	UB	3-inch	\$265.75	\$292.33	\$26.58	10%
	UB	4-inch	\$531.50	\$584.65	\$53.15	10%
	UB	6-inch	\$830.47	\$913.52	\$83.05	10%
	UB	8-inch	\$1,660.93	\$1,827.02	\$166.09	10%
	UB	Multifamily residential				
	UB	5/8 and 3/4 inch	\$33.23	\$36.55	\$3.32	10%
	UB	1-inch	\$49.83	\$54.81	\$4.98	10%
	UB	1 1/2-inch	\$83.04	\$91.34	\$8.30	10%
	UB	2-inch	\$166.10	\$182.71	\$16.61	10%
	UB	3-inch	\$265.75	\$292.33	\$26.58	10%
	UB	4-inch	\$531.50	\$584.65	\$53.15	10%
	UB	6-inch	\$830.47	\$913.52	\$83.05	10%
	UB	8-inch	\$1,660.93	\$1,827.02	\$166.09	10%
UB	Commercial					
UB	5/8 and 3/4 inch	\$33.23	\$36.55	\$3.32	10%	

Code Section	Dept.	Description	FY 2020 Approved	FY 2021 Approved	\$ Change	% Change
	UB	1-inch	\$49.83	\$54.81	\$4.98	10%
	UB	1 1/2-inch	\$83.04	\$91.34	\$8.30	10%
	UB	2-inch	\$166.10	\$182.71	\$16.61	10%
	UB	3-inch	\$265.75	\$292.33	\$26.58	10%
	UB	4-inch	\$531.50	\$584.65	\$53.15	10%
	UB	6-inch	\$830.47	\$913.52	\$83.05	10%
	UB	8-inch	\$1,660.93	\$1,827.02	\$166.09	10%
	UB	Irrigation				
	UB	5/8 and 3/4 inch	\$33.23	\$36.55	\$3.32	10%
	UB	1-inch	\$49.83	\$54.81	\$4.98	10%
	UB	1 1/2-inch	\$83.04	\$91.34	\$8.30	10%
	UB	2-inch	\$166.10	\$182.71	\$16.61	10%
	UB	3-inch	\$265.75	\$292.33	\$26.58	10%
	UB	4-inch	\$531.50	\$584.65	\$53.15	10%
	UB	6-inch	\$830.47	\$913.52	\$83.05	10%
	UB	8-inch	\$1,660.93	\$1,827.02	\$166.09	10%
	UB	Outside City				
	UB	Single-family residential				
	UB	5/8 and 3/4 inch	\$44.71	\$49.18	\$4.47	10%
	UB	1-inch	\$67.07	\$73.78	\$6.71	10%
	UB	1 1/2-inch	\$111.80	\$122.98	\$11.18	10%
	UB	2-inch	\$223.59	\$245.95	\$22.36	10%
	UB	3-inch	\$357.74	\$393.51	\$35.77	10%
	UB	4-inch	\$715.47	\$787.02	\$71.55	10%
	UB	6-inch	\$1,117.94	\$1,229.73	\$111.79	10%
	UB	8-inch	\$2,235.87	\$2,459.46	\$223.59	10%
	UB	Multifamily residential				
	UB	5/8 and 3/4 inch	\$44.71	\$49.18	\$4.47	10%
	UB	1-inch	\$67.07	\$73.78	\$6.71	10%
	UB	1 1/2-inch	\$111.80	\$122.98	\$11.18	10%
	UB	2-inch	\$223.59	\$245.95	\$22.36	10%
	UB	3-inch	\$357.74	\$393.51	\$35.77	10%
	UB	4-inch	\$715.47	\$787.02	\$71.55	10%
	UB	6-inch	\$1,117.94	\$1,229.73	\$111.79	10%
	UB	8-inch	\$2,235.87	\$2,459.46	\$223.59	10%
	UB	Commercial				
	UB	5/8 and 3/4 inch	\$44.71	\$49.18	\$4.47	10%
	UB	1-inch	\$67.07	\$73.78	\$6.71	10%
	UB	1 1/2-inch	\$111.80	\$122.98	\$11.18	10%
	UB	2-inch	\$223.59	\$245.95	\$22.36	10%
	UB	3-inch	\$357.74	\$393.51	\$35.77	10%
	UB	4-inch	\$715.47	\$787.02	\$71.55	10%
	UB	6-inch	\$1,117.94	\$1,229.73	\$111.79	10%
	UB	8-inch	\$2,235.87	\$2,459.46	\$223.59	10%

Code Section	Dept.	Description	FY 2020 Approved	FY 2021 Approved	\$ Change	% Change
	UB	Irrigation				
	UB	5/8 and 3/4 inch	\$44.71	\$49.18	\$4.47	10%
	UB	1-inch	\$67.07	\$73.78	\$6.71	10%
	UB	1 1/2-inch	\$111.80	\$122.98	\$11.18	10%
	UB	2-inch	\$223.59	\$245.95	\$22.36	10%
	UB	3-inch	\$357.74	\$393.51	\$35.77	10%
	UB	4-inch	\$715.47	\$787.02	\$71.55	10%
	UB	6-inch	\$1,117.94	\$1,229.73	\$111.79	10%
	UB	8-inch	\$2,235.87	\$2,459.46	\$223.59	10%
	UB	Water volume rate monthly use (per 1,000 gallons)				
	UB	Inside city limits				
	UB	Single-family residential				
	UB	1 to 4,000	\$4.40	\$4.84	\$0.44	10%
	UB	4,001 to 8,000	\$5.50	\$6.05	\$0.55	10%
	UB	8,001 to 12,000	\$6.61	\$7.27	\$0.66	10%
	UB	12,001 to 16,000	\$7.69	\$8.46	\$0.77	10%
	UB	16,001 to 20,000	\$8.80	\$9.68	\$0.88	10%
	UB	20,001 to 30,000	\$9.90	\$10.89	\$0.99	10%
	UB	30,001 to 50,000	\$11.01	\$12.11	\$1.10	10%
	UB	50,001 or more	\$13.20	\$14.52	\$1.32	10%
	UB	Multifamily residential				
	UB	1 to 99,999,999	\$7.94	\$8.73	\$0.79	10%
	UB	Commercial				
	UB	1 to 99,999,999	\$7.94	\$8.73	\$0.79	10%
	UB	Irrigation				
	UB	1 to 99,999,999	\$9.27	\$10.20	\$0.93	10%
	UB	Construction				
	UB	1 to 99,999,999	\$7.94	\$8.73	\$0.79	10%
	UB	Outside city limits				
	UB	Single-family residential				
	UB	1 to 4,000	\$5.94	\$6.53	\$0.59	10%
	UB	4,001 to 8,000	\$7.41	\$8.15	\$0.74	10%
	UB	8,001 to 12,000	\$8.88	\$9.77	\$0.89	10%
	UB	12,001 to 16,000	\$10.37	\$11.41	\$1.04	10%
	UB	16,001 to 20,000	\$11.84	\$13.02	\$1.18	10%
	UB	20,001 to 30,000	\$13.34	\$14.67	\$1.33	10%
	UB	30,001 to 50,000	\$14.81	\$16.29	\$1.48	10%
	UB	50,001 or more	\$17.77	\$19.55	\$1.78	10%
	UB	Multifamily residential				
	UB	1 to 99,999,999	\$10.69	\$11.76	\$1.07	10%
	UB	Commercial				
	UB	1 to 99,999,999	\$10.69	\$11.76	\$1.07	10%
	UB	Irrigation				
	UB	1 to 99,999,999	\$12.47	\$13.72	\$1.25	10%
	UB	Construction				
	UB	1 to 99,999,999	\$8.90	\$9.79	\$0.89	10%
	UB	Emergency interconnect wholesale water rate (per 1,000 gallons)	\$7.94	\$8.73	\$0.79	10%

Code Section	Dept.	Description	FY 2020 Approved	FY 2021 Approved	\$ Change	% Change
50-24	UB	Wastewater Minimum Charge (monthly)				
	UB	Inside city limits				
	UB	Residential	\$19.79	\$21.77	\$1.98	10%
	UB	Nonresidential	\$19.79	\$21.77	\$1.98	10%
	UB	Commercial Sewer Only	\$19.79	\$21.77	\$1.98	10%
	UB	Flat rate customers	\$47.92	\$52.71	\$4.79	10%
	UB	Outside city limits				
	UB	Residential	\$26.71	\$29.38	\$2.67	10%
	UB	Nonresidential	\$26.71	\$29.38	\$2.67	10%
	UB	Commercial Sewer Only	\$26.71	\$29.38	\$2.67	10%
	UB	Flat rate customers	\$64.69	\$71.16	\$6.47	10%
	UB	Sewer volume rate monthly use (per 1,000 gallons)				
	UB	Inside city limits				
	UB	Residential (based on winter water use average)	\$3.83	\$4.21	\$0.38	10%
	UB	Nonresidential (based on monthly water meter reading)	\$4.32	\$4.76	\$0.43	10%
	UB	Commercial Sewer Only	\$4.32	\$4.76	\$0.43	10%
	UB	Flat rate customers	N/A	N/A	N/A	N/A
	UB	Outside city limits				
	UB	Residential (based on winter water use average)	\$5.17	\$5.69	\$0.52	10%
	UB	Nonresidential (based on monthly water meter reading)	\$5.84	\$6.43	\$0.58	10%
UB	Commercial Sewer Only	\$5.84	\$6.43	\$0.58	10%	
UB	Flat rate customers	N/A	N/A	N/A	N/A	
50-25	UB	Solid waste collection and disposal monthly rates (Per TDS contract with the City of Kyle)				
	UB	Full Retail Rate - October - March (includes franchise fee and sales tax)	\$26.51	\$26.58	\$0.07	0%
	UB	Full Retail Rate - April - September (includes franchise fee and sales tax)	\$26.58	\$27.24	\$0.66	2%
	UB	Refuse Extra Cart - October - March (includes franchise fee and sales tax)	\$15.12	\$5.95	\$9.17	-61%
	UB	Refuse Extra Cart - April - September (includes franchise fee and sales tax)	\$5.95	\$6.11	\$0.16	3%
	UB	Bag Tag (per each extra 30 gallon bag or bundle) - October - March	\$7.06	Discontinued	N/A	N/A
	UB	Bag Tag (per each extra 30 gallon bag or bundle) - April - September	Discontinued	Discontinued	N/A	N/A
	UB	Senior Rate (10% discount) - October - March (includes franchise fee and sales tax)	\$23.88	\$23.95	\$0.07	0%
	UB	Senior Rate (10% discount) - April - September (includes franchise fee and sales tax)	\$23.95	\$24.53	\$0.58	2%
	UB	Senior Refuse Extra Cart - October - March (includes franchise fee and sales tax)	\$13.61	\$5.36	\$8.25	-61%
	UB	Senior Refuse Extra Cart - April - September (includes franchise fee and sales tax)	\$5.36	\$5.50	\$0.14	3%
	UB	Solid Waste Admin Fee (per month per account)	\$2.63	\$2.63	\$0.00	0%
	UB	Storm Drainage and Flood Risk Mitigation Utility Fee - Single Family	\$5.00	\$5.00	\$0.00	0%

Code Section	Dept.	Description	FY 2020 Approved	FY 2021 Approved	\$ Change	% Change
50-511	Drainage	<p>Storm Drainage and Flood Risk Mitigation Utility Fee - All Other non-exempt property/ Commercial monthly base rate will be \$0.0021 per square foot of impervious cover.</p> <p>The impervious cover for each property includes surfaces like rooftops, driveways, parking lots, walkways and patios.</p> <p>Adjustment Factor:</p> <p>The adjustment factor is unique to each property and is based on the percent of impervious cover. It is calculated with the following formula: Adjustment Factor = (1.5425 x Percent of Impervious Cover) + 0.5064</p>	<p>Monthly Fee = Monthly Base Rate x Impervious Cover (sq. ft.) x Adjustment Factor</p>	<p>Monthly Fee = Monthly Base Rate x Impervious Cover (sq. ft.) x Adjustment Factor</p>	\$0.00	0%



CITY OF KYLE, TEXAS

Consider a Request to Remove the
Required Public Utility Easement
for the Plum Creek Uptown Central
Park (SUB-20-0164)

Meeting Date: 2/2/2021
Date time:7:00 PM

Subject/Recommendation: Consider a Request to Remove the Required Public Utility Easement for the Plum Creek Uptown Central Park (SUB-20-0164). ~ *Howard J. Koontz, Director of Planning and Community Development*

Other Information: See Attachments.

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

- Staff Memo
- Final Plat



CITY OF KYLE

Community Development Department



MEMORANDUM

TO: Mayor & City Council

FROM: Howard J. Koontz – Director of Planning & Community Development

DATE: Tuesday, February 2, 2021

SUBJECT: Request Public Utility Easement Waiver – Plum Creek Uptown Central Park (SUB-20-0164)

REQUEST

The applicant (City of Kyle) requests a waiver to remove the dedication requirement for a 7.5-foot Public Utility Easement at the perimeter of Lot 1, Block A, of the Plum Creek Uptown Central Park.

LOCATION

The proposed location for the Plum Creek Uptown Central Park final plat, is located approximately 580-feet north of Doherty (the street behind ARC Kyle). The location is shown as the blue rectangle in the image below.



TEXT OF THE ZONING ORDINANCE

Chapter 41 – Subdivisions, Exhibit A. – Regulating for Platting & Subdividing Land within the Plum Creek PUD, Sec. 12. – Standards and Specifications, (D) *Utility Easements*

- (1) Each block that does not abut an alley as provided for in paragraph (C) of this section shall have utility easements platted on each lot adjacent to the right-of-way of each street abutting the block. Such easements shall be reserved for the use of all public utility lines, conduits, and equipment. These utility easements shall be 7½ feet in width, shall be continuous for the entire length of the block and shall parallel the street line frontage of the block. Such easements shall be considered a part of the lot area for purposes of minimum lot-size requirements of this ordinance. Normal curb exposure shall be required where utility easements intersect streets.

ANALYSIS

The parcel at issue is the future Plum Creek Uptown Central Park. As part of the development process, the following steps are required to be followed:

- Subdivision (platting)
- Site plan review
- Building permits

Currently, both the subdivision plat and the site plan are in review, are are nearing completion. As part of the review, staff has determined that this parcel is required to have a 7.5-foot public utility easement around the perimeter of the lot (adjacent to the street rights-of-way). This aspect of the subdivision code is required per Sec. 12(D)(1), as cited above.

In an effort to create a more urban design to the Uptown District, site improvements and buildings will be utilizing every appropriately available area on their associated lots. This includes the area that is normally reserved public utility easements. In urban settings, buildings or structures are built up to the property line, to create a shared public space aspect, for pedestrians. This is typical of a downtown or central business district, which the Uptown District is designed to emulate.

In addition, per staff conversations, and those with the design team for the Uptown District, all utilities will be in the street rights-of-way. Even those that normally take advantage of public utility easements (fiber, gas, electricity, etc.).

Between the aesthetic design, usable area, and utilities in the rights-of-way, there is no reason to require the 7.5-foot public utility easement. The existing design of the park hinges on the approval of this waiver. As staff does not have a way to administratively

approve a waiver to the subdivision code, we have brought this request forward to the Mayor & Council for their consideration.

RECOMMENDATION

Staff supports the request to allow the waiver to remove the 7.5-foot public utility easement, as required in the Plum Creek subdivision code, because the intent of the easements has already been met via alternative compliance. Staff asks the Mayor & Council to consider the request and vote to approve the waiver, as presented.

ATTACHMENTS

1. Subdivision Plat

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, THAT WE, MOUNTAIN PLUM, LTD., A TEXAS LIMITED LIABILITY COMPANY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, WITH ITS HOME ADDRESS AT 4040 BROADWAY, SUITE 501, SAN ANTONIO, TEXAS, 78209; BEING THE OWNER OF 1.672 ACRES OF LAND, MORE OR LESS, BEING ALL OF THAT A REMAINDER OF TRACT 2 OF EXHIBIT "A" IN A DEED WITHOUT WARRANTY TO MOUNTAIN PLUM, LTD., OF RECORD IN VOL. 2297, PG. 139, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

DO HEREBY SUBDIVIDE SAID 1.672 ACRES AS SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS PLUM CREEK UPTOWN CENTRAL PARK TO THE CITY OF KYLE, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER EASEMENTS (EXCLUDING LANDSCAPE AREA WITHIN EASEMENTS), PARKS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

WHEREOF THE SAID MOUNTAIN PLUM, LTD., A TEXAS LIMITED PARTNERSHIP, OWNER, HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS GENERAL PARTNER, MP GENERAL, LLC., A TEXAS LIMITED LIABILITY COMPANY

MP GENERAL, LLC., A TEXAS LIMITED LIABILITY COMPANY, IT'S GENERAL PARTNER

BY: _____, MANAGER

BY: _____, MANAGER

BY: MOUNTAINCITYLAND, LLC., A TEXAS LIMITED LIABILITY COMPANY, MANAGER

BY: _____, MANAGER

STATE OF TEXAS
COUNTY OF HAYS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY

APPEARED, _____ OF MP GENERAL, LLC., A TEXAS LIMITED LIABILITY COMPANY, ITS GENERAL PARTNER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____ 2020.

BY: _____ NOTARY PUBLIC

STATE OF TEXAS
COUNTY OF HAYS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY

APPEARED, _____ OF MP GENERAL, LLC., A TEXAS LIMITED LIABILITY COMPANY, ITS GENERAL PARTNER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____ 2020.

BY: _____ NOTARY PUBLIC

STATE OF TEXAS
COUNTY OF HAYS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY

APPEARED, _____ OF MOUNTAINCITYLAND, LLC., A TEXAS LIMITED LIABILITY COMPANY, ITS GENERAL PARTNER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____ 2020.

BY: _____ NOTARY PUBLIC

BEARING BASIS:

THE BEARINGS SHOWN HEREON ARE BASED ON GRID NORTH, AND ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 (2011). THE COORDINATES SHOWN HEREON ARE GRID.

FLOODPLAIN NOTE:

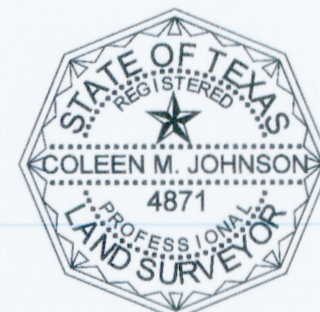
THIS TRACT IS LOCATED WITHIN FLOOD ZONE "X", (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM, AS SHOWN ON COMMUNITY-PANEL MAP NUMBER 48209C0270F, WITH AN EFFECTIVE DATE OF SEPTEMBER 2, 2005. THERE MAY BE ADDITIONAL INFORMATION (LETTER OF MAP REVISIONS, LETTER OF MAP AMENDMENTS, OR LETTER OF MAP CHANGES) NOT PROVIDED TO, NOR RESEARCHED BY THE UNDERSIGNED SURVEYOR, THAT COULD AFFECT THE SUBJECT PROPERTY. IF THIS SITE IS NOT WITHIN AN IDENTIFIED SPECIAL FLOOD HAZARD AREA, THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

SURVEYOR'S CERTIFICATION:

I, COLEEN M. JOHNSON, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL ON-THE-GROUND SURVEY MADE UNDER MY DIRECTION AND SUPERVISION, COMPLIES WITH ORDINANCE #439, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

COLEEN M. JOHNSON
TEXAS REGISTRATION NO. 4871
WGI, INC.
2021 EAST 5TH STREET, SUITE 200
AUSTIN, TEXAS 78702
TBPELS SURVEY FIRM NO. 10194509
Phone No. 512.669.5560

Dec. 16, 2020
DATE



FINAL PLAT PLUM CREEK UPTOWN CENTRAL PARK CITY OF KYLE, HAYS COUNTY, TEXAS

ENGINEER'S CERTIFICATION:

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT AND ALL PLANS AND SPECIFICATIONS WHICH ARE INCLUDED WITH THE PLAT ARE, TO THE BEST OF MY PROFESSIONAL CAPACITY, COMPLETE AND ACCURATE AND IN COMPLIANCE WITH ALL RELEVANT CITY ORDINANCES, CODES, PLANS AND RELEVANT STATE STANDARDS.

B. J. Parker
BRIAN JAMES PARKER, P.E.
TEXAS REGISTRATION NO. 90248
KIMLEY-HORN
2600 VIA FORTUNA, SUITE 300
AUSTIN, TEXAS 78746
(512) 646-2248

12/18/2020
DATE

NOTES:

- TOTAL ACREAGE: 1.672 ACRES
- TOTAL NUMBER OF LOTS: 1
- THIS PLAT COMPLETELY CONFORMS WITH PLUM CREEK P.U.D. MASTER PLAN & CITY OF KYLE ORDINANCES 308 AND 311.
- NO OBJECTS INCLUDING BUILDINGS, ACCESSORY BUILDINGS, FENCING OR LANDSCAPING WHICH WOULD INTERFERE WITH CONVEYANCE OF STORM WATER SHALL BE PLACED OR ERRECTED WITHIN DRAINAGE EASEMENTS.
- OFFSITE WATER AND WASTEWATER LINES MUST BE CONSTRUCTED AND ACCEPTED BY CITY PRIOR TO OCCUPANCY OF ANY BUILDING(S) ON THIS PROPERTY.
- THIS SUBDIVISION SHALL COMPLY WITH THE CENTRAL BUSINESS DISTRICT OF THE CITY OF KYLE.
- SETBACKS NOT SHOWN ON LOTS SHALL CONFORM TO THE CITY OF KYLE ZONING ORDINANCE.
- SIDEWALKS SHALL BE INSTALLED ON THE SUBDIVISION SIDE OF BURNHAM. THOSE SIDEWALKS NOT ABUTTING A RESIDENTIAL, COMMERCIAL OR INDUSTRIAL LOT SHALL BE INSTALLED WHEN THE ADJOINING STREET IS CONSTRUCTED. WHERE THERE ARE DOUBLE FRONTAGE LOTS, SIDEWALKS ON THE STREET TO WHICH ACCESS IS PROHIBITED ARE ALSO REQUIRED TO BE INSTALLED WHEN THE STREETS IN THE SUBDIVISION ARE CONSTRUCTED. (ORD. # 439, ARTICLE V, SEC. 10; KYLE CODE)

PUBLIC UTILITY INFORMATION:

THIS SUBDIVISION IS SERVICED BY THE FOLLOWING UTILITIES:

WATER:
CITY OF KYLE
100 W. CENTER STREET
KYLE, TEXAS 78640

ELECTRIC:
PEDERNALES ELECTRIC COOP.
1810 F.M. 150 WEST
KYLE, TEXAS 78640

WASTEWATER:
CITY OF KYLE
100 W. CENTER STREET
KYLE, TEXAS 78640

GAS:
RELIANT ENERGY
326 CHEATHAM STREET
SAN MARCOS, TEXAS 78666

TELEPHONE:
VERIZON
6601 F.M. 3237
WIMBERLEY, TEXAS 78738

I, THE UNDERSIGNED CHAIRPERSON OF THE PLANNING & ZONING COMMISSION OF THE CITY OF KYLE, HEREBY CERTIFIES THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY AS TO WHICH THE COMMISSION'S APPROVAL IS REQUIRED.

BY: _____
CHAIRPERSON

REVIEWED BY:

LEON BARBA, CITY ENGINEER

REVIEWED BY:

HARPER WILDER, DIRECTOR OF PUBLIC WORKS

THIS PLAT (PLUM CREEK UPTOWN CENTRAL PARK) HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY OF KYLE, TEXAS AND IS HEREBY APPROVED BY THE COUNCIL.

DATED THIS _____ DAY OF _____, 2020.

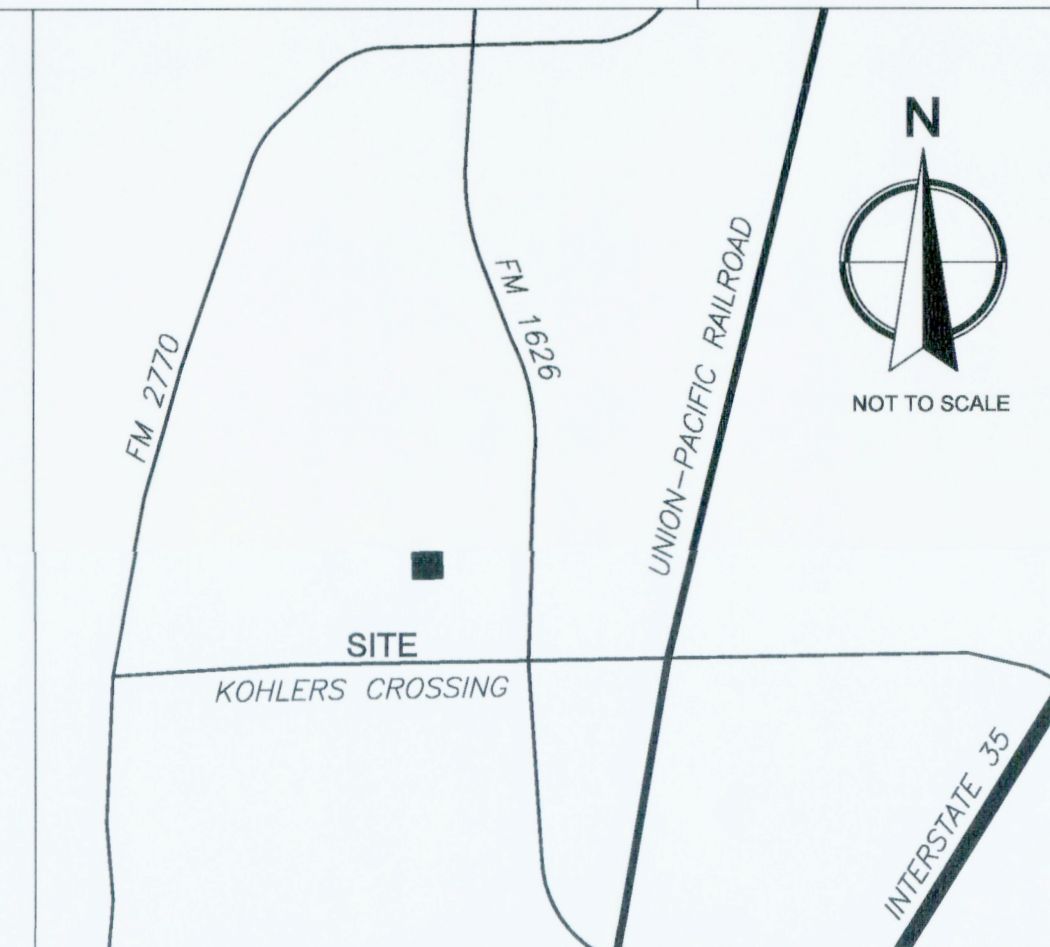
BY: _____
ATTEST:

SECRETARY



2021 East 5th Street Suite 200 Austin, TX 78702
Phone No. 512.669.5560
TBPELS Survey Firm No. 10194509

DATE:	07-28-20
PROJECT:	03205833.00
SCALE:	1" = 100'
CHECK/QC:	CMJ
TECH:	RA
FIELD CREW:	DS
SURVEY DATE:	07-18-20
SHEET:	1 OF 2



**LOCATION MAP
PROJECT LOCATED IN
CITY OF KYLE, HAYS COUNTY, TEXAS**

BY: OWNERS: MOUNTAIN PLUM, LTD., A TEXAS LIMITED PARTNERSHIP.
ADDRESS: 4040 BROADWAY STREET, SUITE 501
SAN ANTONIO, TEXAS 78209

PHONE: (512) 391-1789 FAX: _____

BY: MP GENERAL, LLC., A TEXAS LIMITED LIABILITY COMPANY, ITS GENERAL PARTNER

BY: _____
NAME: _____, MANAGER

BY: _____
NAME: _____, MANAGER

BY: MOUNTAINCITYLAND, LLC., A TEXAS LIMITED LIABILITY COMPANY, MANAGER

BY: _____
NAME: _____, MANAGER

ACREAGE: 1.672

SURVEY: M. M. McCARVER SURVEY NO. 4, ABST. NO. 10

NUMBER OF LOTS AND PROPOSED USE (IF MORE THAN ONE USE IS PLANNED FOR THE LOTS, PROVIDE LAND USE SUMMARY SHOWING # OF LOTS ARE PLANNED FOR EACH USE): 1 LOT - PARK

DATE: _____

SURVEYOR: COLEEN M. JOHNSON, R.P.L.S. #4871

PHONE: 512-669-5560 FAX: _____

ENGINEER: BRIAN JAMES PARKER, P.E.

PHONE: 512-646-2248 FAX: _____

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS:

THAT, ELAINE H. CARDENAS, CLERK OF HAYS COUNTY COURT, DOES HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND THE CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORDS IN MY

OFFICE ON THE _____ DAY OF _____, 2020, A.D., IN THE PLAT

RECORDS OF SAID COUNTY AND STATE IN DOCUMENT # _____
WITNESS MY HAND AND SEAL OF OFFICE OF COUNTY CLERK OF SAID COUNTY ON

THIS THE _____ DAY OF _____, 2020 A.D. FILED FOR RECORD AT _____ O'CLOCK _____ M. THIS THE _____ DAY OF _____, 2020, A.D.

BY:

ELAINE H. CARDENAS
COUNTY CLERK
HAYS COUNTY, TEXAS

FINAL PLAT
 PLUM CREEK UPTOWN CENTRAL PARK
 CITY OF KYLE, HAYS COUNTY, TEXAS



2021 East 5th Street Suite 200 Austin, TX 78702
 Phone No. 512.669.5560
 TBPELS Survey Firm No. 10194509

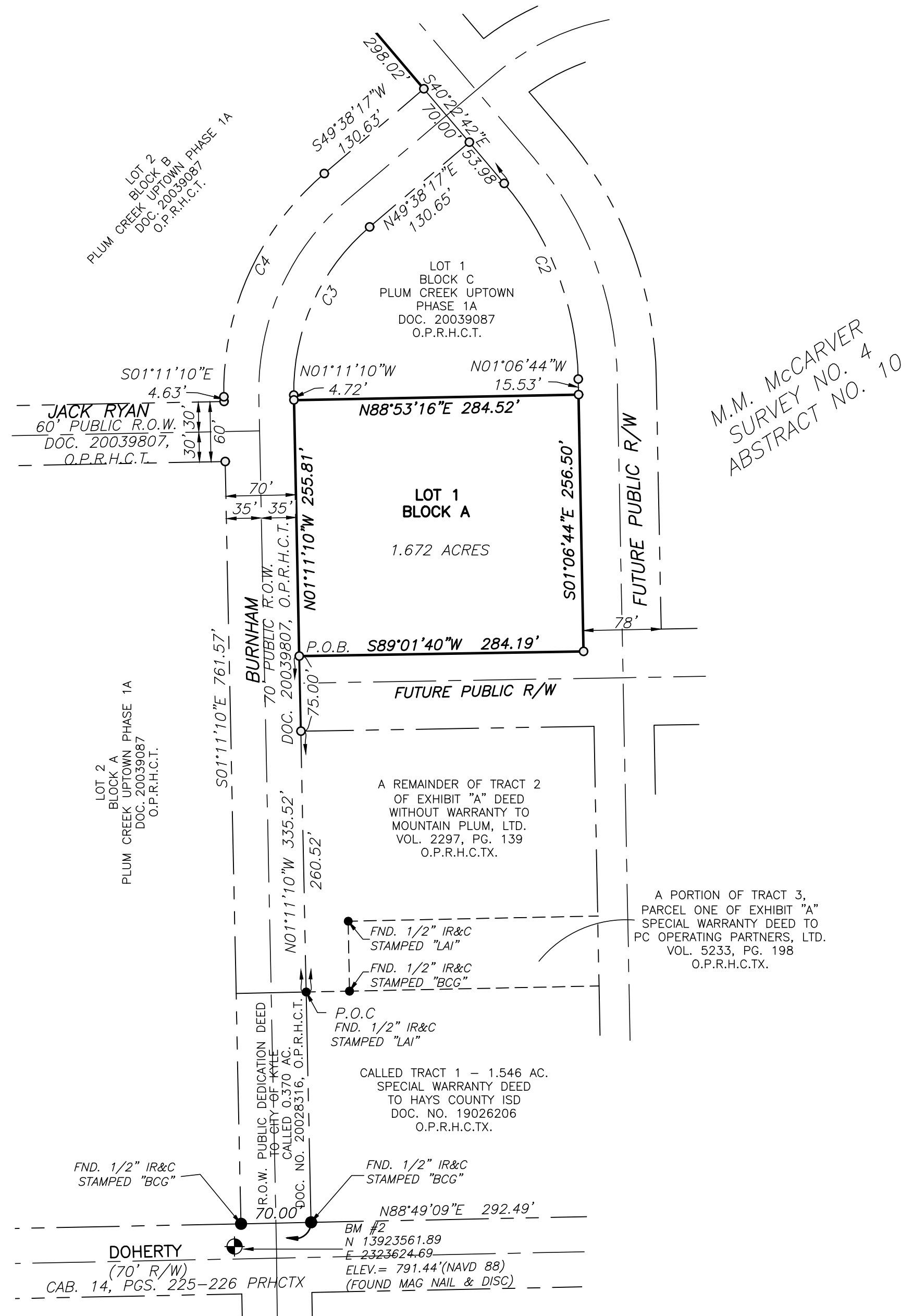
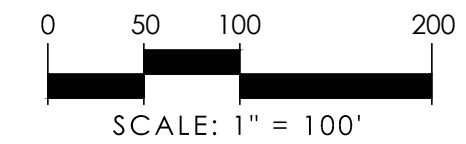
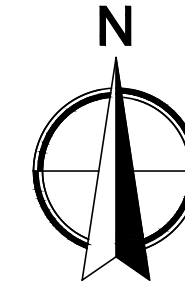
DATE:	07-28-20
PROJECT:	03205833.00
SCALE:	1" = 100'
CHECK/QC:	CMJ
TECH:	RA
FIELD CREW:	DS
SURVEY DATE:	07-18-20
SHEET:	2 OF 2

SYMBOLS LEGEND:

- FOUND 1/2" IRON ROD (AS NOTED)
- SET 5/8" IRON ROD AND CAP STAMPED "WGI 10194509" UNLESS NOTED
- ⊕ BENCHMARK

ABBREVIATIONS LEGEND:

- BM BENCHMARK
- CAB. CABINET
- E EASTING
- ELEV. ELEVATION
- IR IRON ROD
- IR&C IRON ROD AND CAP
- N NORTHING
- OPRHCTX OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
- PRHCTX PLAT RECORDS OF HAYS COUNTY, TEXAS
- PG. PAGE
- P.O.B. POINT OF BEGINNING
- RPLS REGISTERED PROFESSIONAL LAND SURVEYOR
- R/W RIGHT-OF-WAY
- VOL. VOLUME



CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C2	213.14'	311.00'	39°15'58"	S20°44'43"E	208.99'
C3	190.72'	215.00'	50°23'16"	N24°13'34"E	184.52'
C4	252.81'	285.00'	50°23'16"	S24°13'34"W	244.60'

LEGAL DESCRIPTION

BEING 1.672 ACRES OF LAND OUT OF AND A PART OF THE M.M. MCCARVER SURVEY NO. 4, ABSTRACT NO. 10, IN THE CITY OF KYLE, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT DESCRIBED AS TRACT NO. 2 IN A DEED WITHOUT WARRANTY TO MOUNTAIN PLUM, LTD. OF RECORD IN VOLUME 2297, PAGE 139, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.T.); SAID 1.672 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING FOR REFERENCE at a 1/2-inch iron rod found with cap stamped "LAI" at the intersection of the north Right-of-way line of that certain 0.370 acre tract described in a ROW Public Dedication Deed of record in Document No. 20028316, O.P.R.H.C.T. and the east right-of-way line of Burnham (a 70 foot wide public right-of-way dedicated by Plum Creek Uptown Phase 1A, a subdivision plat of record in Document No. 20039087, O.P.R.H.C.T.); THENCE, North 01°11'10" West, along said east right-of-way line, at a distance of 260.52 feet passing a 5/8-inch iron rod set with a plastic cap stamped "WGI 10194509", in all a total distance of 335.52 feet to a 5/8-inch iron rod set with a plastic cap stamped "WGI 10194509", for the southwest corner and POINT OF BEGINNING of the tract described herein;

THENCE, with the west line of the tract described herein, continuing with the east right-of-way line of Burnham, North 01°11'10" West, a distance of 255.81 feet to a 5/8-inch iron rod set with a plastic cap stamped "WGI 10194509" for northwest corner of the tract described herein, from which a 5/8-inch iron rod set with a plastic cap stamped "WGI 10194509" bears North 01°11'10" West, a distance of 4.72 feet;

THENCE, with the north line of the tract described herein, with the south line of Lot 1, Block C, Plum Creek Uptown Phase 1A, North 88°53'16" East, a distance of 284.52 feet to a 5/8-inch iron rod set with a plastic cap stamped "WGI 10194509" for northeast corner of the tract described herein, from which point a 5/8-inch iron rod set with a plastic cap stamped "WGI 10194509" in the east line of said Lot 1, Block C, Plum Creek Uptown Phase 1A bears, North 01°06'44" West, a distance of 15.53 feet;

THENCE, with the east line of the tract described herein, South 01°06'44" East, a distance of 256.50 feet to a 5/8-inch iron rod set with a plastic cap stamped "WGI 10194509" for the southeast corner of the tract described herein;

THENCE, with the south line of the tract described herein, South 89°01'40" West, a distance of 284.19 feet to the POINT OF BEGINNING and containing 1.672 acres of land within these metes and bounds.

Drawing Name: P:\5800\5833.00 Plum Creek Uptown Central Park\05 - Geospacial\Drawings\583300_Plum Creek Uptown Central Park.dwg User: Coleen.Johnson Dec 16, 2020 - 11:04am



CITY OF KYLE, TEXAS

Child Safety Zones Ordinance

Meeting Date: 2/2/2021

Date time: 7:00 PM

Subject/Recommendation: Presentation on a proposed Ordinance of the City of Kyle, Texas Regulating Sex Offender Residency within the City and Establishing Child Safety Zones. ~ *Jeff Barnett, Chief of Police*

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- Regulation Of Sex Offender Residency Establishing Child Safety Zones Ordinance
- Memorandum on Regulation of Sex Offender Residency Establishing Child Safety Zones and Background Information 14Jan21
- MAP Final Regulation Of Sex Offender Residency Establishing Child Safety Zone Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS REGULATING SEX OFFENDER RESIDENCY WITHIN THE CITY AND ESTABLISHING CHILD SAFETY ZONES; AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES ENTITLED “MISCELLANEOUS OFFENSES” BY ADDING ARTICLE XI TO BE ENTITLED “CHILD SAFETY ZONES;” MAKING IT UNLAWFUL FOR CERTAIN SEX OFFENDERS TO RESIDE WITHIN 1500 FEET OF PREMISES WHERE CHILDREN COMMONLY GATHER; PROVIDING EXCEPTIONS TO THE ORDINANCE; PROHIBITING PROPERTY OWNERS FROM RENTING REAL PROPERTY TO CERTAIN SEX OFFENDERS; PROVIDING PENALTIES FOR VIOLATIONS OF THE ORDINANCE; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERABILITY CLAUSE, FINDINGS OF FACT AND PROVIDING FOR OPEN MEETINGS.

WHEREAS, the City of Kyle, Texas (herein the “City”) is a home rule city having authority to utilize police power regulation for the health, safety and general welfare of the citizens of the City; and

WHEREAS, the City Council of the City is deeply concerned about the numerous and recent occurrences in our state and elsewhere whereby sex offenders convicted of sexual offenses involving children have been released from custody and repeat the unlawful acts for which they had been originally convicted; and

WHEREAS, the City Council finds from evidence and statistical reports reveal that the recidivism rate for released sex offenders alarmingly high, especially for those who commit their crimes against children; and

WHEREAS, the City is becoming an increasingly attractive place for families with young children; and

WHEREAS, the City Council finds that regulating sex offender residency within the City and establishing child safety zones provide better protection for children gathering in the City and is necessary to protect the health, safety and general welfare of children; and

WHEREAS, the laws of the State of Texas, including those found in Chapter 51 of the Texas Local Government Code and the City Charter, provide the City authority to adopt ordinances for the good government, peace, order and welfare of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, THAT:

SECTION 1. FINDINGS OF FACT. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

SECTION 2. AMENDMENT OF CHAPTER 23. Chapter 23 of the Code of Ordinances of the City is hereby amended by adding Article XI. - Child Safety Zones to read as follows:

ARTICLE XI. - CHILD SAFETY ZONES

Sec. 23-290. - Definitions.

“*Child sex offender*” means a person who is required to register on the Texas Department of Public Safety's Sex Offender Database (the “database”) because of a conviction(s) involving a minor. “*Day-care center*” is a facility providing care, training, education, custody, treatment, or supervision for 13 or more children for less than 24 hours a day.

“*Minor*” is a person under the age of 17.

“*Park*” is a parcel of land, community park, neighborhood park, playground, swimming pool, indoor facility, outdoor facility, recreation center, field, athletic field, hike and bike trails, greenbelt areas and any other area in the City-owned, leased and/or used by the City, and devoted to active or passive recreation, including any related facilities, parking lots and/or amenities, save and except any of the foregoing that has a stadium, arena and/or permanent seating and primarily used for sporting events, special events and/or other entertainment any of which is not managed by the City.

“*Permanent residence*” is a place where a person abides, lodges, or resides for 14 or more consecutive days.

“*Premises where children commonly gather*” means areas including all improved and unimproved lots where the following are located or planned to be located: a public park, private or public school (excluding in-home schools), day-care center, or private recreational facility, including a park, water park, pool, playground, skate park, arcade or youth athletic field owned by a residential property owners association, or for which an entrance, admission, or rental fee is charged.

“*Recurring visitor*” is a person who on at least three (3) occasions during any month spends more than 48 consecutive hours in the city.

“*Temporary residence*” is a place where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where a person routinely abides, resides, or lodges for a period of four or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

Sec. 23.291. - Residency requirements.

(a) It shall be unlawful for a child sex offender to establish a permanent residence, establish a temporary residence or to be a recurring visitor at a residence, located within 1,500 feet of any premises where children commonly gather.

(b) It shall be unlawful to let or rent any place, structure or part thereof, manufactured home, trailer, or other conveyance, with the knowledge that it will be used as a permanent residence,

temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to the terms of this article, if such place, structure or part thereof, manufactured home, trailer, or other conveyance, is located within 1,500 feet of any premises where children commonly gather.

Sec. 23.292. – Halloween.

A child sex offender shall not on each October 31st leave decorations or an exterior porch light on or otherwise invite trick-or-treaters to the premises.

Sec. 23.293. - Evidentiary matters; measurement.

(a) For the purpose of determining the minimum distance of separation under this article, the distance shall be measured by following a straight line from the outer property line of the permanent or temporary residence to the nearest property line of the premises where children commonly gather, as described hereinabove, or, in the case of multiple residences on one property, measuring from the nearest property line of the premises to the nearest property line of the premises where children commonly gather, as described herein.

(b) A map depicting the prohibited areas shall be maintained by the City, and it shall be reviewed and updated not less than annually for changes. Said map will be available to the public on the City's website at the Kyle Police Department.

(c) Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined in this article.

Sec. 23.294. - Affirmative defenses.

The following shall be affirmative defenses to prosecution under this article that any of the following conditions apply:

(a) It shall be an affirmative defense under Sec. 23.291(a) if the person required to register on the database established the permanent or temporary residence and has complied with all of the child sex offender registration laws of the State, prior to the date of the adoption of this article, provided, however that if the person required to register on the database established the permanent or temporary residence through a lease or other rental arrangement in effect on the effective date of this article, this affirmative defense shall not apply upon termination of the lease/rental arrangement that is in effect on the effective date of this article.

(b) It shall be an affirmative defense under Sec. 23.291(a) if the premises where children commonly gather was designated, declared and/or determined after the child sex offender established the permanent or temporary residence and complied with all child sex offender registration laws of the State provided, however, that if the person required to register on the database established the permanent or temporary residence through a lease or other rental

arrangement in effect on the effective date of this article, this affirmative defense shall not apply upon termination of the lease/rental arrangement that is in effect on the effective date of this article.

(c) It shall be an affirmative defense under Sec. 23.291 if the information on the database is incorrect, and, if corrected, this article would not apply to the person who was erroneously listed on the database.

(d) The person required to register as a sex offender was a minor when he/she committed the offense requiring such registration and was not convicted as an adult.

(e) The person was within a child safety zone performing community service ruled by a magistrate.

SECTION 3. PENALTY PROVISION. Any person who violates the provisions of this article shall be charged with a class C misdemeanor; and upon conviction shall be fined as provided for in Sec 1-14(a) of this Code for each day that a violation exists, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 4. SAVINGS CLAUSE. All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances affecting sex offender regulations and child safety zones that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 5. AMENDMENT OF ORDINANCES. The City Code of Ordinances, Chapter 23, is hereby amended to the extent of any conflict or inconsistency herewith only and all ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the city, the terms and provisions of this Ordinance shall govern.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clause or phrases be declared void.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect immediately from and after publication in accordance with the provisions of the City Charter and the Local Government Code.

SECTION 8. OPEN MEETINGS. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading this ____ day of _____, 2021.

FINALLY PASSED AND APPROVED on this the ____ day of _____, 2021.

THE CITY OF KYLE, TEXAS

Travis Mitchell, Mayor

ATTEST:

Jennifer Holm, City Secretary



Date: January 14, 2020
To: Jeff Barnett, Chief of Police
From: Dago Pates, Officer

Re: Regulation of Sex Offender Residency Establishing Child Safety Zones Ordinance and Background Information

Drafting this ordinance for the city of Kyle began with researching ordinances in place with other cities within central Texas. After eight similar ordinances were reviewed, a draft was created mirroring Cedar Park’s ordinance and the portions in red were added from Pflugerville’s Ordinance (Section 1).

Section 2 shows current statistics of local cities, showing population, registered sex offenders, if they have a related ordinance and if so, how many feet. The distance of Child Safety Zones ranged from 1,000-2,000 ft. The median of 1,500 ft was selected for the Kyle ordinance draft.

Section 3 is a variety of information that was gathered or located while researching Child Safety Zones.

Section 1:

ARTICLE CHILD SAFETY ZONES

Finding and Intent **(This portion is for the online format of the ordinance, that does not have the “where as” portion listed)**

(1) The city council finds that repeat sexual offenders, sexual offenders who use physical violence and sexual offenders who prey on children are sexual predators who present an extreme threat to the health, safety and welfare of children. Sexual offenders are extremely likely to use physical violence and to repeat their offense and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.

(2) It is the intent of this section to serve the city's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the city by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residences.

Definitions

Child sex offender. A person who is required to register on the Texas Department of Public Safety's Sex Offender Database (the "database") because of a conviction(s) involving a minor.

Day-care center. A facility providing care, training, education, custody, treatment, or supervision for 13 or more children for less than 24 hours a day.

Minor. A person under the age of 17.

Park. A parcel of land, community park, neighborhood park, playground, swimming pool, indoor facility, outdoor facility, recreation center, field, athletic field, hike and bike trails, greenbelt areas and any other area in the City-owned, leased and/or used by the City, and devoted to active or passive recreation, including any related facilities, parking lots and/or amenities, save and except any of the foregoing that has a stadium, arena and/or permanent seating and primarily used for sporting events, special events and/or other entertainment any of which is not managed by the City.

Permanent residence. A place where a person abides, lodges, or resides for 14 or more consecutive days.

Premises where children commonly gather. Areas including all improved and unimproved lots where the following are located or planned to be located: a public park, private or public school (excluding in-home schools), day-care center, or private recreational facility, including a park, pool, playground, skate park, or youth athletic field owned by a residential property owners association, or for which an entrance, admission, or rental fee is charged.

Recurring visitor. A person who on at least three (3) occasions during any month spends more than 48 consecutive hours in the city.

Temporary residence. A place where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where a person routinely abides, resides, or lodges for a period of four or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

Residency requirements

(a) It shall be unlawful for a child sex offender to establish a permanent residence, establish a temporary residence **or to be a recurring visitor at a residence, located** within 1,500 feet of any premises where children commonly gather.

(b) It shall be unlawful to let or rent any place, structure or part thereof, manufactured home, trailer, or other conveyance, with the knowledge that it will be used as a permanent residence, temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to the terms of this article, if such place, structure or part thereof, manufactured home, trailer, or other conveyance, is located within 1,500 feet of any premises where children commonly gather.

Halloween

A child sex offender shall not on each October 31st leave an exterior porch light on or otherwise invite trick-or-treaters to the premises.

Solicitation Permit

A child sex offender shall not solicit or be permitted to receive a permit for soliciting in the City of Kyle

Evidentiary matters; measurement

(a) For the purpose of determining the minimum distance of separation under this article, the distance shall be measured by following a straight line from the outer property line of the permanent or temporary residence to the nearest property line of the premises where children commonly gather, as described hereinabove, or, in the case of multiple residences on one property, measuring from the nearest property line of the premises to the nearest property line of the premises where children commonly gather, as described herein.

(b) A map depicting the prohibited areas shall be maintained by the City, and it shall be reviewed and updated not less than annually for changes. Said map will be available to the public on the City's website at the Kyle Police Department.

(c) Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined in this article.

Affirmative defenses

The following shall be affirmative defenses to prosecution under this article that any of the following conditions apply:

(1) It shall be an affirmative defense under [section 8.09.002](#) if the person required to register on the database established the permanent or temporary residence and has complied with all of the child sex offender registration laws of the State, prior to the date of the adoption of this article, provided, however that if the person required to register on the database established the permanent or temporary residence through a lease or other rental arrangement in effect on the effective date of this article, this affirmative defense shall not apply upon termination of the lease/rental arrangement that is in effect on the effective date of this article.

(2) It shall be an affirmative defense under [section 8.09.002](#) if the premises where children commonly gather was designated, declared and/or determined after the child sex offender established the permanent or temporary residence and complied with all child sex offender registration laws of the State provided, however, that if the person required to register on the database established the permanent or temporary residence through a lease or other rental arrangement in effect on the effective date of this article, this affirmative defense shall not apply upon termination of the lease/rental arrangement that is in effect on the effective date of this article.

 512-268-3232  512-268-2330

111 North Front Street, Kyle, TX 78640

(3) It shall be an affirmative defense under [sections 8.09.002](#) and [8.09.003](#) if the information on the database is incorrect, and, if corrected, this article would not apply to the person who was erroneously listed on the database.

Penalty provision

Any person who violates the provisions of this article shall be charged with a class C misdemeanor; and upon conviction shall be fined as provided for in [section 1.01.009](#) of this Code for each day that a violation exists, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

****code sections would have to be updated to reflect where it falls in city code.**

Section 2:

Comparisons:

Town	Ordinance	*Population	Reg. Sex Off.	Res. To S.O.	Distance
Leander	Yes	65,000	33	1,970:1	1,000 ft
Seguin	None	30,000	53*	566:1	N/A
New Braunfels	None	88,000	106	830:1	N/A
Kyle	None	56,500	68	830:1	N/A
San Marcos	None	64,000	57	1,122:1	N/A
Pflugerville	Yes	64,000	20	3,200:1	2,000 ft
West Lake Hills	Yes	4,000	1	4,000:1	1,000 ft
Cedar Park	Yes	77,000	23	3,347:1	1,500 ft
Cibolo	Yes	31,066	10	3,106:1	2,000 ft
League City	Yes	106,244	41	2,591:1	2,000 ft
Giddings	Yes	5,200	6	866:1	1,000 ft
Fate	Yes	18,500	1	18,500:1	2,000 ft

*approximate current numbers

Section 3:

Ofc. Pates asked a handful of recent sex offenders how they ended up in Kyle, one was from here, one said housing is cheaper here then up north, others said their family lives here and some said because we don't have a city ordinance.

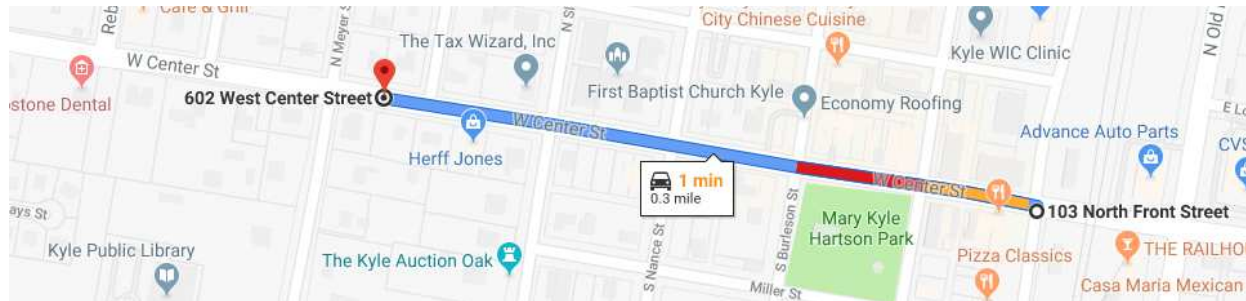
60 of Kyle's current 68 sex offenders would be "child offenders" as worded in the draft.

Of the 68 registered sex offenders in Kyle, the victims are grouped as follows: 57 - Female victims, 11 - Male victims, 11 - Adult victims, 4 - Possession of Child pornography (some offenders have multiple charges so this add up to more then 68).

Distance:

Comparisons range from 1000-2000 ft. Examples of this distance using Center Street:

- Front Street to just past Burleson Street is about 1000ft
- Front Street to just past Sledge St is about 1500 ft



Online Research:

From DPS website: https://www.dps.texas.gov/administration/crime_records/pages/faq.htm#a1

Question: Are registered sex offenders allowed to live or go near places frequented by children such as schools and playgrounds?

Answer: The Texas Sex Offender Registration Program itself does not prohibit registered sex offenders from living or going near places frequented by children. However, Texas community supervision and parole laws, as well as city ordinances, may require the imposition of a "child safety zone." A "child safety zone" prohibits certain individuals from going in, on, or within a specified distance of a premise where children commonly gather (i.e. schools, day care facilities, or playgrounds). A violation of the "child safety zone" can result in the revocation of the offender's probation or parole, or a citation.

Question: Are there any state laws that provide guidance or limitations on local city ordinances regarding registered sex offenders?

Answer: Section 341.906, Subchapter Z, Chapter 341, Local Government Code, allows for the governing body of a general-law municipality by ordinance to restrict a registered sex offender from going in, on or within a specified distance of a child safety zone in the municipality. In addition it limits the distance requirement an ordinance may have and requires procedures for an exemption from the ordinance. Questions regarding any local city ordinance should be directed to the local law enforcement registrar's office at the Police Department or the city attorney's office in the jurisdiction of the ordinance.

Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART)
https://smart.gov/SOMAPI/sec1/ch5_recidivism.html

☎ 512-268-3232 📠 512-268-2330

111 North Front Street, Kyle, TX 78640

Recidivism Rates for Child Molesters:

*Study showed sex offenders released from state prisons in 1994 that were studied in 2003 had a large sample of child molesters. The study shows 5.1% were rearrested within three years for a new sex crime. 14.1% were arrested for a violent crime and 39.4% were rearrested for a crime of any kind. Child Molesters with more than one prior arrest had an overall recidivism rate of 44.3% compared to 23.3% to that of a child molester with only 1 prior arrest. **Study shows specifically Child Molesters are more likely than any other type of offender to be arrested for a sex crime against a child following release from prison.** (from: <https://www.smart.gov/pdfs/RecidivismofAdultSexualOffenders.pdf>)*



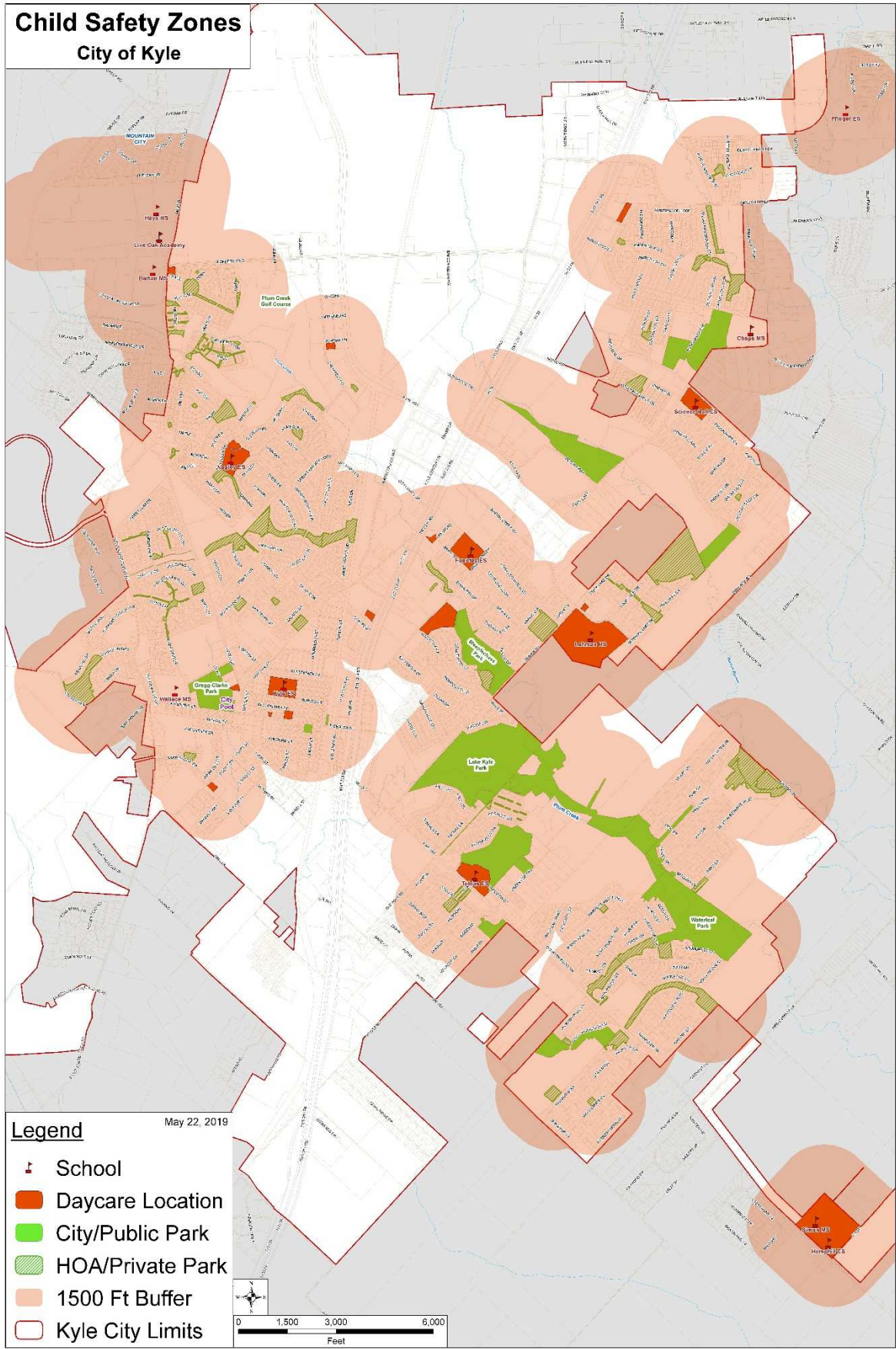
512-268-3232



512-268-2330

111 North Front Street, Kyle, TX 78640

Child Safety Zones City of Kyle





CITY OF KYLE, TEXAS

City Manager's Report

Meeting Date: 2/2/2021

Date time: 7:00 PM

Subject/Recommendation: Update on various capital improvement projects, road projects, building program, and/or general operational activities where no action is required. ~ *J. Scott Sellers, City Manager*

- Mass Food Distribution events
- Black History Month programming
- President's Day holiday
- COVID Testing and Vaccine information
- Timeline & key dates for City's Fiscal Year 2021-2022 budget development and adoption

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

- ☐ Budget Timeline for FY 2021-2022



City of Kyle, Texas
Budget Development Timeline
Fiscal Year 2021-2022 Operating & CIP Budgets

Saturday, February 20, 2021 & Sunday, February 21, 2021	City Council Visioning Workshop
Monday, February 22, 2021	Based on City Council's Visioning Workshop, City Manager Shares Goals, Expectations, & Budget Guidelines with the Department Directors
Saturday, April 10, 2021 (Special Called City Council Meeting)	Council Budget Worksession #1 City Manager & Department Directors Present " <u>New</u> " Budget Needs (O&M and CIP) to City Council. City Council Provides Feedback, Project Priorities, & Direction to City Manager for the Development of the City's FY 2021-2022 Proposed Operating & CIP Budgets
Friday, April 30, 2021	Chief Appraiser (HaysCAD) Provides Certified Preliminary Estimates for Property Valuations to City
Monday, May 10, 2021	Deadline for City Departments to Submit Line Item Budget and CIP Spending Plan for FY 2021-2022 to City Manager and Finance
Saturday, June 26, 2021 (Special Called City Council Meeting)	Council Budget Worksession #2 City Manager & Department Directors Present " <u>Preliminary</u> " Proposed Operating and CIP Budgets to City Council City Council Provides Feedback & Direction to City Manager for Final Changes to the City's Proposed Budget for FY 2021-2022
Wednesday, July 7, 2021 thru Friday, July 16, 2021	Department Directors Meet With City Manager to Review and Finalize CYEs, Proposed Line Item Budgets, CIP Spending Plan, and Revenue Projections
Sunday, July 25, 2021	Deadline for Chief Appraiser (HaysCAD) to Provide Certified Property Tax Valuations to City
Wednesday, July 28, 2021	City Manager Sends Proposed Line Item Budget and CIP Spending Plan to City Council
Saturday, July 31, 2021	Budget Worksession #3 City Manager Presents Proposed Budget for FY 2021-2022 to City Council
Tuesday, August 17, 2021 (Regular City Council Meeting)	Budget Worksession #4 Public Hearing - Budget & Tax Rate 1st Reading: Budget Ordinance 1st Reading: Property Tax Rate Ordinance
Wednesday, August 25, 2021 (Special Called City Council Meeting)	Budget Worksession #5 Public Hearing - Budget & Tax Rate 2nd Reading: Budget Ordinance 2nd Reading: Property Tax Rate Ordinance



CITY OF KYLE, TEXAS

Executive Session - Convene

Meeting Date: 2/2/2021

Date time: 7:00 PM

Subject/Recommendation: Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting. The City Council may convene into Executive Session pursuant to any lawful exception contained in Chapter 551 of the Texas Government Code including any or all of the following topics.

1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071.
 - o Bird Scooters
 - o City Lights and Kyle Marketplace Subdivision/Development
 - o Chapter 43 Non-Annexation agreement on property located at the intersection of Bunton Lane and Goforth Road
 - o Planned Unit Development Zoning
 - o Cause Number 19-1492; 1200 S. Old Stagecoach Road, LLC v. City of Kyle, Texas; pending in the 22nd Judicial District Court of Hays County, Texas
2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
3. Personnel matters pursuant to Section 551.074.
4. Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to have locate, stay, or expand in or near the City.
 - o SUFC
5. Deliberation Regarding Security Devices or Security Audits pursuant to Section 551.089.
 - o Deployment of security devices and critical infrastructure related to billing program

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

Reconvene

Meeting Date: 2/2/2021
Date time: 7:00 PM

Subject/Recommendation: Take action on items discussed in Executive Session.

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available